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LOCAL LAWS
AND PRIVATE ACTS
OF THE
STATE OF MISSOURI,
PASSED AT THE FIRST SESSION OF THE
THIRTEENTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON,

**ON MONDAY THE EIGHTEENTH DAY OF NOVEMBER, EIGHTEEN HUNDRED AND
FORTY-FOUR, AND ENDED FRIDAY THE TWENTY-EIGHTH DAY OF
MARCH, EIGHTEEN HUNDRED AND FORTY-FIVE.**

BY AUTHORITY.

L. C. copy 1

CITY OF JEFFERSON,

JAMES LUSK, Public Printer.

1845.

L A W S

OF THE STATE OF MISSOURI.

JOHN C. EDWARDS, *Governor.*

JAMES YOUNG, *Lieut. Governor and Pres't of Senate.*

C. F. JACKSON, *Sp'aker of the House of Representatives.*

ADMINISTRATION.

AN ACT to authorise the administrators of the estate of Nicholas S. Burckhartt, deceased, to sell real estate.

	SECTION		SECTION
Administrators of the estate of Nicholas S. Burckhartt, deceased, authorized to sell a certain tract of land,	1	Bonds with personal security to be taken,	3
Three weeks notice of sale, and twelve months credit to be given,	2	When full payment shall have been made, administrators to make a deed or deeds,	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Benjamin F. Jeter and David D. Stewart, administrators *de bonis non* of the estate of Nicholas S. Burckhartt, deceased be, and they are hereby authorised, to sell at public sale in the town of Fayette, Howard county, on the first day of January, in the year of our Lord one thousand eight hundred and forty-five, the following tract of land or real estate belonging to the heirs of said deceased, situate, lying and being in said county of Howard, containing two hundred and forty acres, the same being the dower estate assigned to Sarah Burckhartt, the late relict and widow of said Nicholas S. Burckhartt, deceased, and known by its numbers as the northwest quarter and the north part of the southwest quarter of section nine, in township forty-nine, and range sixteen; and the east half of the northwest quarter of section twenty-two, in the township and range aforesaid.

§ 2. That said sale shall be made on a credit of twelve months from and after the day of sale, the administrators having first given at least three weeks public notice of the time, place and terms of sale, by putting up a written or printed advertisement at each of six of the most public places in said county.

§ 3. That said administrators shall at the time of said sale take bonds with personal security from the purchaser or purchasers of said lands, securing the payment of the purchase money at the end of twelve months from the day of said sale.

ADMINISTRATION.

§. 4. That so soon as the purchase money shall have been fully paid for said land, the said administrators shall by virtue of this act, and in pursuance of said sale, make a deed or deeds of conveyance to the purchaser or purchasers of said lands, by which they shall convey to said purchaser or purchasers in fee simple, all the right; title, interest and claim, which the said heirs of the said Nicholas S. Burckhardt, deceased, shall have in and to the said lands, on the day of sale as aforesaid; which said conveyance or conveyances shall impart to the purchaser or purchasers of said land, and to his or their heirs or assigns forever, all the said right, title, interest or claim, which they the said heirs, and each and every of them shall have in and to the lands aforesaid, on the day of sale as aforesaid.

This act to take effect and be in force from and after its passage.

APPROVED, Dec. 16, 1844.

ADMINISTRATION.

AN ACT to remove the administration on the estate of the late Thomas Reynolds from Cole to Platte county.

	SECTION		SECTION
Clerk of Cole county court to transmit to clerk of Platte county court the will, &c., of the late Thomas Reynolds,	1	The county court of Platte county, jurisdiction of the administration, and to appoint administrators,	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the clerk of the county court of Cole county shall without delay transmit to the clerk of the county court of Platte county the original last will and testament of the late Thomas Reynolds, endorsing thereon the certificate of the proof of its execution, and all the papers on file in his office connected with the administration on the estate of the said Thomas Reynolds.

§. 2. The county court of Platte county shall have exclusive jurisdiction of the administration on said estate, to the same extent as if the death of said Thomas Reynolds had occurred in the said county of Platte, and shall also appoint an administrator or administrators on said estate in consequence of the revocation of the powers of the executrix; and the said county court of Platte county, and the administrator or administrators to be appointed, shall in all respects be governed by the laws and statutes of this State relating to executors and administrators.

This act shall be in force from and after its passage.

APPROVED, Jan. 31, 1845.

ADMINISTRATION.

AN ACT to authorise the executor of the estate of Samuel H. Williams, deceased, to sell the slaves belonging to said estate.

	SECTION		SECTION
No other provision being made in the will of S. H. Williams, deceased, county court to appoint a guardian or guardians for the heirs,		the purchase money,	3
Sale of slaves may be ordered by county court of Carroll county, on the petition of the executor, the widow, if living, and the guardian or guardians of the heirs,	1	Executor to collect interest and pay the same, or such part as the county court shall order, to the widow,	4
Executor to take bond and security for	2	Principal and retained interest to be kept loaned at ten per cent.	5
		Before the sale of the slaves, executor to give bond and security for the purchase money and interest,	6

Be it enacted by the General Assembly of the State of Missouri, as follows:

§. 1. As soon as may be after the passage of this act, if provision is not otherwise made in the will of Samuel H. Williams, deceased, late of the county of Carroll, the county court shall appoint a guardian or guardians for the infant heirs of the estate of said Williams.

§. 2. As soon as the executor of said estate, the widow of said Williams, if living, and the guardian or guardians of said infant heirs, shall petition the county court of Carroll county for the sale of the slaves belonging to the estate of the said Samuel H. Williams, said county court shall order the executor to sell the said slaves, on such terms as the court shall think best calculated to promote the interest of the estate.

§. 3. It shall be the duty of the executor to take bond for the purchase money, with good and sufficient security.

§. 4. It shall be the duty of said executor to collect the interest annually pay the same to the widow for the benefit of the family, or so much of the interest as the county court of said county may direct.

§. 5. The principal and interest not used, as provided for in the preceding section of this act, to be kept loaned out at ten per cent. interest, and in all cases the executor is required to take ample security, and from time to time require new security when deemed necessary.

§. 6. The executor, before he shall proceed to sell the said slaves, shall enter into bond, to the State of Missouri, in such sum as the county court shall deem sufficient, with two or more securities, to be approved by the court, conditioned that the executor shall account for and pay over to the persons entitled to the same, all the proceeds of such sale, and the interest and profits arising therefrom.

This act shall take effect from its passage.

APPROVED, Feb. 21, 1845.

ADMINISTRATION.

ADMINISTRATION.

AN ACT to authorise Eunice Kenyon to purchase lands.

SECTION	SECTION
Eunice Kenyon, under certain condition, authorized to purchase lands as admin-	istratrix of Samuel Kenyon, deceased, 1

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Eunice Kenyon, of Andrew county, administratrix of the estate of Samuel Kenyon, deceased, be and she is hereby authorised to lay out and expend any moneys she may have in her hands as such administratrix, in the purchase of lands in the names and for the benefit of the minor heirs of said estate, provided the said administratrix shall pay and satisfy all just demands against said estate.

This act to take effect from the passage.

APPROVED, March 20, 1845.

ADMINISTRATION.

AN ACT to authorise James English and Robert W. Gray, administrators of the estate of John English, deceased, to make a deed to Reuben Garnett.

SECTION	SECTION
James English and Robert W. Gray, administrators of John English, deceased, authorized to make a deed to Reuben	Garnett for certain real estate, 1 Said deed to be valid, 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That James English and Robert W. Gray, administrators of the estate of John English, deceased, are hereby authorized to make a deed to Reuben Garnett, to the following described real estate, to wit: two hundred and forty acres of land, numbered as follows: The south east quarter, containing one hundred and sixty acres; also the northeast quarter of the southwest quarter, and the southeast quarter of the northwest quarter of section twenty-five, in township forty-six, in range fourteen; the said lands having been sold to the said Garnett by the said English, in the lifetime of said English full payment being made for said lands, and no deed executed.

§ 2. The deed so made shall be as valid in law, as if the said deed had been executed by the said English in his life time.

This act to take effect from its passage.

APPROVED, March 25, 1845.

APPROPRIATIONS.

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APPROPRIATIONS.

AN ACT to appropriate money.

Appropriations for assessing and collecting Revenue, costs in Criminal cases, and General Contingent Fund.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The following sums are hereby appropriated out of any money in the treasury not otherwise appropriated, to wit: For pay of assessing and collecting the revenue, the sum of ten thousand dollars;

For pay of costs in criminal cases, the sum of ten thousand dollars;

For pay of general contingent fund, the sum of one thousand dollars.

That this act shall take effect and be in force from and after its passage.

APPROVED, Dec. 2, 1844.

APPROPRIATION.

AN ACT to appropriate Money.

Appropriations for contingent expenses of Register of Lands—pay of County revenue—

Pay of Militia Officers, and contingent expenses of the Militia.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The following sums are hereby appropriated out of any money in the treasury not otherwise appropriated, to wit: For pay of contingent expenses of the Register of Lands, four hundred dollars; for pay of county revenue, two thousand dollars; for pay of militia officers, five hundred dollars; for pay of contingent expenses of militia, five hundred dollars.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 24, 1845.

APPROPRIATION.

AN ACT to appropriate Money.

Money appropriated for pay of General Assembly.

Be it enacted by the General Assembly of the State of Missouri as follows

§ 1. That the sum of ten thousand dollars be and the same is hereby

APPROPRIATIONS.

appropriated for the pay of the General Assembly out of any money in the treasury not otherwise appropriated.

This act to take effect and be in force from and after its passage.

APPROVED, March 7, 1845.

APPROPRIATION.

AN ACT appropriating Money for the support of Government, for the years 1845 and 1846.

Appropriation to defray the expenses of Government for the years 1845 and 1846.

Be it enacted by the General Assembly of the State of Missouri as follows:

§ 1. That the following sums, in addition to the unexpended balances under the several heads, which were in the treasury on the first day of January, 1845, be, and the same are hereby appropriated to defray the expenses of Government for the years 1845 and 1846, to be paid out of any money in the treasury not otherwise appropriated: For pay of civil officers, sixty thousand dollars; for pay of General Assembly, fifty thousand dollars; for costs in criminal cases, forty-six thousand dollars; for contingent expenses of the General Assembly, five thousand dollars; for pay of militia officers, one thousand dollars; for copying laws and journals, one thousand eight hundred dollars; for distributing laws and journals, two thousand dollars; for contingent expenses of the Governor and Secretary of State, one thousand five hundred dollars; for contingent expenses of the Auditor of Public Accounts, eight hundred dollars; for contingent expenses of the State Treasurer, three hundred dollars; for contingent expenses of the Attorney General, three hundred dollars; for contingent expenses of the Register of Lands, five hundred dollars; for contingent expenses of the Militia, five hundred dollars; for contingent expenses of elections, one thousand dollars; for assessing and collecting the revenue, twenty-eight thousand dollars; for printing the laws and journals, ten thousand dollars; for publishing the Decisions of the Supreme Court, four thousand dollars; for county revenue, three thousand dollars; for the general contingent fund, six thousand dollars; for the Convention, fifteen thousand dollars; for the payment of interest on State bonds, one hundred and forty-two thousand dollars.

This act to take effect from and after its passage.

APPROVED, March 27th, 1845.

APPROPRIATION.

AN ACT to appropriate Money to repair the Governor's house, the houses connected therewith, fencing, &c.

SECTION.	SECTION.
Appropriation for repair, &c. of Governor's house,	Auditor to draw a warrant on the requisition of the Governor,
1	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The sum of three hundred and fifty dollars is hereby appropriated out of any money in the treasury not otherwise appropriated; to be applied under the direction of the Governor, to repairing the Governor's house, and furnishing the same, the houses connected therewith, removing privy and old kitchen, and the fencing, &c.

§ 2. The Auditor of Public Accounts is hereby authorized and required, on the requisition of the Governor, to issue his warrant on the treasury for the sum of money appropriated in the first section of this act, in favor of such person or persons as shall be designated in said requisition.

This act to be in force from and after its passage.

APPROVED, March 27, 1845.

AUDITOR.

AN ACT to provide for a thorough investigation of the books in the office of the Auditor of Public Accounts, and for other purposes.

SECTION.	SECTION.
Joint committee to be appointed by the General Assembly to examine the Auditor's books,	Statement of errors, and duplicate copies thereof to be made; to whom delivered; and for what purposes,
1	5
Manner of investigation,	Auditor's Accounts to conform to the corrections,
2	6
Committee to correct errors,	
3	
Manner of correcting errors,	
4	

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. There shall be appointed by the General Assembly a joint committee of three, one senator and two representatives, whose duty it shall be to investigate the books in the Auditor's office, as soon as may be.

§ 2. The manner of investigation shall be as follows: said committee shall examine each account in Ledger E, and all the other Ledgers, Journals, and Day-books in the office, that may be necessary to explain the accounts in Ledger E.

§ 3. Said committee shall correct any and every error that they may detect in said books of whatsoever [nature] they may be.

§ 4. It shall be the duty of said committee in making the corrections required by this act, to draw through each erroneous entry a line with red ink, and to make the proper entry, immediately above the error, in red ink.

§ 5. Said committee shall note all the errors detected, referring to the book and page of the book where found, and make duplicate copies thereof, and certify the same; one of which copies shall be by them reported to the Governor, to be by him laid before the next General Assembly; and the other shall be filed with the Auditor of Public Accounts, for the use of

himself and the examining committee in eighteen hundred and forty-six.

§ 6. It shall be the duty of the Auditor, in settling the accounts on the books of his office, to conform to the corrections herein provided for.

This act shall be in force from and after its passage.

APPROVED, March 19, 1845.

BANK.

AN Act to establish a fifth branch of the Bank of the State of Missouri.

	SECTION.		SECTION.
Fifth branch of the Bank of the State of Missouri established at Lexington,	1	When capital stock to be furnished by the mother Bank,	4
Capital stock to be furnished said branch by mother Bank,	2	Said branch to have the benefit of the acts relating to the incorporation of the mother Bank,	5
Tenure of office of the officers of said branch	3		

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. There shall be, and is hereby established, a fifth branch of the Bank of the State of Missouri, to be established at Lexington, in Lafayette county, in conformity with the provisions of an act, entitled "an act to charter the Bank of the State of Missouri, approved February second, eighteen hundred and thirty-seven"—to go into operation as hereafter provided.

§ 2. The president and directors of the Bank of the State of Missouri shall furnish to said branch the proportion of capital stock belonging to said branch, in such manner and at such times as may be provided for by law, at the present session of the General Assembly.

§ 3. The president and directors of said branch shall hold their offices for the same time and on the same terms as the president and directors of the mother Bank, and shall exercise like powers and duties; but their first term of service shall expire at the next session of the General Assembly after their appointment.

§ 4. That so soon as the directors of said branch shall have organized, as aforesaid, they shall certify the fact to the directors of the mother Bank, who, thereupon, shall immediately furnish said branch the quota of capital coming to it, as provided for in the second section of this act.

§ 5. Said branch hereby established shall have all the benefits of the act incorporating the mother Bank, and of the several acts amendatory thereof, so far as the same are in anywise applicable.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 21, 1845.

BANK.

AN ACT supplementary to an act to establish the fifth branch of the Bank of the State of Missouri.

SECTION.	SECTION.
When and how the capital stock of the fifth branch to be paid by the mother Bank.	When and how the President and State Directors to be elected,
1	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. As soon as the fifth branch of the Bank of the State of Missouri shall be organized, the parent Bank shall set apart and furnish to the President and Directors of the said branch at Lexington, at least one-tenth part of all the capital stock paid in, which shall be increased from time to time, in like proportion as the capital stock shall be paid in.

§ 2. A president and six directors on the part of the State, shall be elected during the present session of the General Assembly.

This act to take effect from its passage.

APPROVED, Feb. 28. 1845.

BONDS.

AN ACT to provide for the surrender and cancellation of certain Bonds of the State of Missouri, and for the issue of other equivalent Bonds therefor.

SECTION.	SECTION.
Certain State bonds of the denomination of \$100 may be canceled, and in lieu thereof, bonds of the denominations of \$1000 or \$500 may be issued	payable,
1	3
The Governor authorized to receive the old and to issue new bonds,	Bonds, date of; rate of interest and when due; coupons to be attached,
2	4
Bonds, how to be issued and to whom made	What bonds may be surrendered by virtue of this act,
	5
	Bond holders to pay the expenses attending the preparation of the new bonds,
	6

Whereas, under the provisions of an act entitled "an act to issue State bonds to refund to the Bank money advanced on account of the State, approved February twenty-fifth, eighteen hundred and forty-three," and also under the provisions of an act entitled an act for the erection of a public warehouse in the city of St. Louis for the storage and inspection of tobacco, approved February twenty-seventh, eighteen hundred and forty-three, bonds of the State of Missouri, each for one hundred dollars, were issued to the Bank of the State of Missouri, or order, and others for the purposes specified in said acts, and whereas said bonds, so issued to said Bank were afterwards transferred by said Bank, and upon transfer were endorsed by said Bank "without recourse," and whereas said endorsement has the effect of discrediting said bonds and of throwing suspicion upon them in the eyes of persons at a distance, and of injuring

materially the credit of the State of Missouri; Therefore, for the purpose of relieving the credit of the State of Missouri from the prejudicial effects of said endorsement, and in compliance with the prayer of certain of the holders of said bonds to have the same exchanged for others of larger denomination, but of the same aggregate amount; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The holders of the bonds of the State of Missouri issued in sums of one hundred dollars each, by virtue of two acts of the General Assembly of the State of Missouri, one of which is entitled "an act to issue State bonds to refund to the Bank money advanced on account of the State," approved twenty-seventh February, eighteen hundred and forty-three, and also an act entitled "an act for the erection of a public warehouse in the city of St. Louis, for the storage and inspection of tobacco—approved twenty-seventh February, eighteen hundred and forty-three, are hereby authorized to surrender the same to the State of Missouri, to be cancelled, and to receive in lieu thereof bonds of an equivalent aggregate amount of the denomination of one thousand dollars, or five hundred each, at the option of the holders of such surrendered bonds.

§ 2. The Governor of the State of Missouri is hereby authorized to accept the surrender of the bonds heretofore issued, as declared in the preceding section, and to issue the new bonds in lieu thereof.

§ 3. Such of said new bonds as may be issued in lieu of the bonds endorsed by the Bank of the State of Missouri, shall be made payable to the Bank of the State of Missouri, or bearer, the remainder of said new bonds shall be issued to the holder of the bonds surrendered, or bearer.

§ 4. The bonds issued by virtue of this act shall bear the same date. shall bear the same rate of interest, and be due at the same time with the original bonds surrendered, and coupons for said interest shall be attached to each bond so issued for the interest yet to become due to said holders.

§ 5. No bonds shall be surrendered by virtue of this act, except such as shall be accompanied by the coupons attached thereto for all the interest yet to become due thereon.

§ 6. The holders of said bonds shall defray the expenses of the preparing, &c., of the new bonds, as proposed by them in their memorial on the subject.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 27, 1845.

BONDS.

AN ACT to provide for the payment and redemption of certain bonds of this State.

SECTION.	SECTION.
Governor authorized to sell State bonds To what amount. Proceeds of sale how applicable. 1	Governor authorized to exchange the bonds so issued, for certain other bonds. 2. Denomination and rate of interest of

SECTION.	SECTION.
bonds: When, how, and where payable, 3.	disposal &c, of the bonds. The Bank of
Bonds and coupons how to be signed, 4.	Mo. to be such agent if required by the
Auditor to register bonds, 4.	Governor. Duties of such agent, 6.
Bonds not to be disposed of under par —	Interest, how to be paid, 7 8
Premium, if any, how applicable, 5	Expenses of carrying into effect this
Governor may employ a fiscal agent in the	act, how paid, 9.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Governor of this State is hereby authorized to execute and sell the bonds of this State to an amount not exceeding the amount of such bonds of this State as bear interest at the rate of ten per centum per annum, and are redeemable in the year eighteen hundred and forty-six, and he shall apply the proceeds of the bonds so executed and sold under this act, to the payment or redemption of said ten per cent bonds, redeemable in the year eighteen hundred and forty-six.

§ 2. The Governor is hereby authorized to exchange the bonds to be issued under this act, or any part thereof for the bonds of this State, or any part thereof, bearing interest at the rate of ten per centum per annum, and redeemable in the year eighteen hundred and forty-six.

§ 3. The bonds that may be issued under this act, shall be in the sum of one thousand dollars each, payable in ten years, but redeemable in five years, and shall be made payable in gold and silver, at such city or cities within the United States, as may be agreed upon at the time of the negotiation thereof, and shall bear interest at a rate not exceeding eight per centum per annum, payable semi-annually in gold and silver, at such place or places as may be agreed upon.

§ 4. The issued bonds under this act shall be made payable to the person or persons purchasing the same or to bearer. The dividend, warrants or coupons, shall be signed by the Treasurer of this State, and the bonds shall be signed by the Governor and countersigned by the Secretary of State, and shall be registered in the office of the Auditor Public Accounts.

§ 5. The bonds issued under this act, shall not be sold or exchanged under par, and if any premium shall be realized from the sale or exchange thereof, it shall be paid into the State Treasury, and applied towards the payment of interest on any bond of the State.

§ 6. The Governor is hereby authorized to employ such agent as he may deem proper to negotiate the sale and receive the proceeds of such bonds, and apply such proceeds to the payment, redemption or exchange of the said bonds payable or redeemable in the year eighteen hundred and forty-six. And the Bank of the State of Missouri, shall if required by the Governor, act as the fiscal agent of this State, in the negotiation and sale of the bonds that may be issued under this act, and the payment or redemption of said bonds bearing interest at the rate of ten per centum per annum, and redeemable in the year eighteen hundred and forty-six, and the said Bank shall, as the fiscal agent of the State, perform such other duties herein as may be authorized and required by the Governor.

§ 7. & § 8. The interest that may semi-annually become due on the

bonds that may be issued under this act shall be paid out of the State treasury, under the authority of this act, out of any money not otherwise appropriated, as the same may become due and payable, and no other appropriation for the payment of such interest shall be deemed necessary.

[§ 8.] § 9. Whenever such interest shall become due the Auditor of Public Accounts, shall draw his warrant on the State Treasurer, for the amount thereof, on the requisition of the Treasurer, who shall then purchase such draft as may be necessary to pay such interest at the place agreed upon, or may make such payment in any other manner that may be satisfactory to the parties interested.

[§ 9.] § 10. All necessary expenses that may be incurred in carrying this act into effect, shall be paid out of the State Treasury, on the requisition of the Governor, in favor of the person entitled to the same, out of any money in the treasury not otherwise appropriated.

This act shall take effect from and after its passage.

APPROVED, March 27th, 1845.

BOUNDARIES.—STATE.

AN ACT supplemental to an act entitled. "An act to survey and mark out the southern boundary line of this State," approved February the 11th eighteen hundred and forty-one.

SECTION.		SECTION.	
1.	Appropriation of \$1000, to pay one-half of the contingent expenses of the survey of the southern boundary of Missouri,	3.	to the Secretary of State, to file vouchers with the Auditor,
	Auditor to draw his warrant for \$1000, on application of the commissioner,		Auditor to certify unexpended ballance to Treasurer When paid, Treasurer to give duplicate receipts,
2.	Commissioner, at the time of reporting	4.	

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the sum of one thousand dollars be, and the same is hereby appropriated towards paying one-half of the contingent expenses of, Assistants, and other incidental expenses necessarily incurred, in surveying and marking out the southern boundary line of this State.

§ 2. Upon application of the Commissioner on the part of this State, the Auditor of Public Accounts, shall draw his warrant on the Treasury for the said sum of one thousand dollars, in favor of said commissioner, which the Treasurer shall pay upon presentation.

§ 3. It shall be the duty of the Commissioner, on the part of this State, at the time of reporting to the Secretary of State of this State, as provided in the first section of the act, to which this is supplemental, to file with the Auditor of Public Accounts, vouchers shewing the objects for which the money, thus coming into his hands has been disbursed.

§ 4. It shall be the duty of the Auditor of Public Accounts, to certify to the Treasurer, the unexpended ballance in said Commissioner's hands

and upon the said Commissioner's paying the same into the treasury, the Treasurer shall give him duplicate receipts therefor, one of which, for the use of said commissioner, the other to be filed with the Auditor of Public Accounts, as evidence upon which the Auditor shall charge the Treasurer.

This act to take effect from its passage.

APPROVED Dec. 16th, 1844.

BOUNDARIES.—STATE.

AN ACT concerning the Northern Boundary line of this State.

SECTION.	SECTION.
The Governor authorized to agree with the government of Iowa to submit the Northern Boundary question to Supreme court of U. S.	Governor to cause evidence to be procured, and to employ counsel, 2.
1.	\$2000 appropriated for expenses of proceedings. Auditor to allow the same on the Governor's certificate, 3

Whereas, Difficulties have arisen in relation to the northern boundary line of this State; and *Whereas*, the speedy and amicable settlement of such difficulty, is of deep interest to the people of this State, and of the State of Iowa, therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Governor of this State is hereby authorized and empowered to agree with the government of the State of Iowa, for the commencement and speedy determination of such suit as may be necessary to procure a final decision by the Supreme court of the United States, upon the true location of the northern boundary line of this State.

§ 2. The Governor is authorized and required to cause all evidence to be procured which may be necessary to the legal and proper decision of such suit while the same may be in progress, and to employ counsel to conduct the same on the part of this State, and to do whatever may be necessary to maintain the rights of the State in such suit.

§ 3. The sum of two thousand dollars is hereby appropriated out of any money in the Treasury, to carry this act into effect, which may be drawn on the certificate of the Governor, to the Auditor of Public Accounts, in favor of the persons entitled to the same.

This act to take effect from and after its passage.

APPROVED, March 25, 1845.

BRIDGES.

AN ACT to authorize Robert A. Ewing and Robert R. Jefferson to erect a Toll Bridge across the Moreau Creek.

	SECTION.	privileges to cease,	SECTION.
R. A. Ewing and R. R. Jefferson authorised to erect a toll bridge across the Moreau,	1	Term of the privileges,	5
If not finished in three years, privileges to cease,	2	The County Court of Cole county may erect a free bridge, and if it shall order said bridge to be erected privileges granted to Ewing and Jefferson shall cease,	6
Rates of toll allowed,	3	If said Ewing and Jefferson shall build the bridge, said County Court shall order a road to be opened,	7-8
Cole County Court may purchase said bridge;—when and on what terms,	4		9
If the bridge is allowed to go to decay, &c.,			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Robert A. Ewing and Robert R. Jefferson are hereby authorised to erect a toll bridge across the Moreau creek, in the county of Cole, at a place called the Point of Rocks, where the State road from Jefferson City, by the town of Hermann, to the city of St. Louis, crosses the same.

§ 2. Said Ewing and Jefferson shall have said bridge ready for use within three years from the passage of this act, otherwise the privileges hereby granted shall be null and void.

§ 3. Said Ewing and Jefferson shall be allowed the following rates of toll, to wit: for each horse and rider ten cents; for each footman five cents; for each single horse, mule, jack or jenny, six and a fourth cents; for each head of neat cattle, three cents; for each head of other stock, one and a half cents; for each one horse carriage, twenty-five cents; for each two horse or ox waggon, thirty-seven and a half cents, for each three horse waggon, fifty cents; for each pleasure carriage, fifty cents; for each four horse waggon, seventy-five cents; for each six horse or ox waggon, eighty-seven and a half cents.

§ 4. If the County Court of Cole county shall see proper at the expiration of fifteen years from the time said bridge is finished, to purchase the same by paying said Ewing and Jefferson, or their heirs, the cost of the same, and ten per cent. thereon, the county court shall have the privilege so to do.

§ 5. If the owners of said bridge shall suffer the same to go to decay, so as to render it unsafe for the space of six months at any one time, unless good cause can be shown for the same, every privilege herein granted, shall cease and determine.

§ 6. The privileges hereby granted shall continue for the period of twenty years and no longer.

§ 7. It shall be the duty of said Ewing and Jefferson to lay this act before the County Court of Cole county before they commence to erect said toll bridge, and offer them the privilege of having a public free bridge erected at said place.

§ 8. If the said court shall determine to erect a public bridge at said place, and shall order the same to be done, the privileges hereby granted shall be null and void.

§ 9. If said court determine not to erect said public bridge, and the

said Ewing and Jefferson shall erect said toll bridge, then, and in that case, the county court of Cole county shall, on the application of said Ewing and Jefferson, have a county road viewed, opened, and kept in repair as other county roads are, from said place of building said bridge, the nearest and best way to intersect the State road from Jefferson City to St. Louis, by the way of Lisletown.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 25, 1845.

BRIDGES.

An act to erect a Toll Bridge across the Merrimack river, between St. Louis and Jefferson counties.

SECTION.	SECTION.
Lawson Cooley and others, authorized to erect a toll bridge over the Maramee. Said Cooley and others to be a body politic, called the "Merrimack River Company."	Rates of toll to be posted at the ends of the bridge. 8
Capital \$25,000. Shares \$50.	The county court of either Jefferson or St. Louis, or the city of St. Louis may purchase said bridge. When and how, 9
The county and city of St. Louis, and the county of Jefferson, may subscribe \$12,500 and appoint three directors. Whole number of directors to be seven,	Bridge not to interfere with navigation, Charter may be forfeited. When and how 10
First directors appointed. Shall serve four years. Their duties, &c.,	Vacancies in board of directors—how supplied. 12
Stockholders entitled to one vote for every share. Stock to be assignable,	State road to be opened under certain circumstances, and the old State road to be vacated, 13-14
Time allowed for completing the bridge.	No other toll bridge to be erected within six miles, 15
Tolls allowed,	If the bridge be destroyed, two years allowed to build another, 16

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Lawson Cooley, Charles S. Rankin, Julius Higgins and Jonathan Smith, of the county of Jefferson, and Frederick Dent, Joseph Sale, Peter E. Blow, James M. White and John Perry, of the county of St. Louis, and such other persons as they may associate with them be, and they are hereby authorized to erect a toll bridge across the Merrimack river, on the line between the counties of Jefferson and St. Louis, at some suitable point between Fine's Ferry and Catalan's Ford, on said river, having first procured the consent of the proprietors of the land, or the title thereof upon which it is proposed to erect the said bridge.

§ 2. The persons named in the first section of this act, with such others as they may associate with them, and their successors, being stockholders in the same, are hereby created and made a body politic, by the name and style of the "Merrimack River Company," and by that name sue and be sued, plead and be impleaded, in courts of record and elsewhere, may have, hold, purchase and receive lands, hereditaments, goods, chattels and effects, and the same grant, sell, alien, demise, convey and dispose of, during the term of thirty-five years from and after the first day of July, eighteen hundred and forty-five, but shall not have power to hold

more real estate than will be necessary for the erection of said bridge and toll house. The said persons and their successors shall have power to use a common seal, and alter the same at pleasure; also, to make by-laws and regulations not inconsistent with the laws of the U. S., or of this State.

§ 3. The capital stock of said company shall be twenty-five thousand dollars; to be divided into shares of fifty dollars each, and the subscribers of said shares shall pay the same to the President and Directors, at such time and in such instalments as they may require.

§ 4. The counties of St. Louis and Jefferson, and the city of St. Louis may, if they think it to the interest of the counties and city, subscribe twelve thousand five hundred dollars to the stock of said company; and shall have the right to appoint three of the directors when such amount is subscribed. The concerns of said company shall be managed by seven directors, who shall hold their office for three years, and until their successors are duly elected, a majority of whom shall constitute a board to do business.

§ 5. The persons named in the first section of this act, are hereby appointed the first directors, who shall serve for four years from the passage of the same, and are authorized to open books and receive subscription, receive the funds and transact all other business necessary to be done to carry into effect this act, they shall have power to designate the time and place of meeting of the stockholders, for the purpose of electing officers, and shall superintend the election of the same.

§ 6. Each stockholder shall be entitled to one vote for every share owned by him and the county of St. Louis and city of St. Louis, and the county of Jefferson, one vote for every share owned by each of the named counties and city of St. Louis, and the stock of the company shall be assignable under the regulations of the the President and Directors of the company.

§ 7. The said persons mentioned in the first section of this act, shall have five years from the first day of July next, (1845,) to complete the said bridge, and when completed, they shall be entitled to demand and receive the following tolls for passing the same: For each man, woman and child of twelve years old and upwards, ten cents; for man and horse, *twenty cents*; for each waggon and one horse or mule, *thirty cents*; for each waggon and two horses, oxen or mules, *fifty cents*; for each waggon and four horses oxen or mules, *eighty cents*; for each waggon of six horses, oxen or mules, *one dollar*; for each waggon and eight horses, oxen or mules, *one dollar and ten cents*; for each gig, *fifty cents*; for each pleasure carriage and two horses or mules, *eighty cents*; for each pleasure carriage and four horses or mules, *one dollar*; for each head of horses, mules or cattle, *five cents*; and for each head of sheep or hogs, *two cents*.

§ 8. Said company shall keep said rates of toll posted publicly at each end of the bridge on some suitable sign.

§ 9. The county court of either Jefferson or St. Louis, or the city of St. Louis, shall, if they deem it to the interest of the county or the pub-

lic at large, have power, at the expiration of twenty years after the completion of said bridge, to purchase the same from the proprietors thereof, for the purpose of making the same a free bridge, at such time and on such terms as may be fixed by *three* disinterested valuers, residents of the county wishing to make such purchase, one of whom shall be appointed by the county court, one by the proprietors of said bridge, and the third by the two selected.

§ 10. The owner or owners of the said bridge shall construct the same so as not to interfere with the usual navigation of the said river.

§ 11. If the owner or owners of the said bridge shall suffer the same to go to decay, so as to render it unsafe for passengers, and it shall remain so for three months, and no safe means provided by said company for passing said river during the time said bridge shall be out of repair, then and in that case, every privilege herein granted shall cease and determine.

§ 12. Should a vacancy occur in the board of directors from any cause whatever, then the remaining directors shall appoint some suitable person or persons to fill such vacancies.

§ 13. Should the said bridge be erected over the said river, at a point where the State road on either or both sides of said river does not strike the river, the county court of St. Louis, and the county court of Jefferson shall have power to appoint commissioners and a surveyor to open and lay out, from said bridge, a State road to the nearest and most practicable route to intersect the State road, having regard to the nature of the ground to be passed over and the interest of the community, and the old State road between the intersected points to be vacated.

§ 14. The commissioners opening the said road shall be governed by law opening State roads, approved, Feb. 12th, 1839.

§ 15. The said company shall have the exclusive privilege of erecting the said bridge under the foregoing restrictions and limitations, and no person or persons shall be authorized to erect a toll bridge across said stream within *six miles* of the bridge authorized by this act.

§ 16. If, after said bridge is erected, it shall be destroyed by flood or other accident, said company shall have *two years* to erect another bridge on the terms specified in the foregoing sections.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

CAPITOL.

AN ACT for repairing the Capitol.

SECTION	SECTION
Commissioner of Permanent Seat of Government to cause leaks in roof of Capitol to be stopped,	Shutter to certain doors, to be put up, with good locks, 3
Glass to be put in windows where arms are kept,	Auditor to draw warrant on the Treasurer, who for, 4
	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the Commissioner of the Permanent Seat of Government shall with as little delay as possible, procure some suitable workman to stop any leak that may be in any part of the roof of the Capitol.

§ 2. He shall cause glass to be put into the windows of the room in which the public arms are kept.

§ 3. He shall cause to be put to each of the openings leading into the basement story of the Capitol, and also to the door of the room in which the State cannon carriages are kept, strong and suitable shutters with a good lock to each.

§ 4. The Auditor of Public Accounts shall draw a warrant on the State Treasury in favor of the individual performing the work, for the amount due upon the certificate of the commissioner, payable out of any money in the treasury not otherwise appropriated.

This act to take effect from and after its passage.

APPROVED, Jan. 31, 1845.

CELEBRATION.

AN ACT to defray the expenses of celebrating the Eighth of January, eighteen hundred and forty-five.

Auditor required to draw warrants on the Treasurer, in favor of whom, and for what purposes.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer in favor of the following persons, to wit: First, In favor of E. B. Cordell, for candles furnished Auditor and Treasurer as per account rendered, for fifteen dollars. Second, In favor of Roberson and Meredith, for one hundred strips and six hundred tin tips, and putting same for illuminating Representative Hall, fifteen dollars. Third, In favor of B. Chase, for furnishing and setting six hundred tin tips for illuminating Senate Chamber, seven dollars. Fourth, In favor of William Monahan, for making cartridges and assisting in firing the cannon, three dollars. Fifth, In favor of the following persons for the sum of one dollar each, as compensation for their services on the Eighth of January in firing the cannon, to wit: Benjamin Hughes, Francis Ward, William Ferguson, William Douglass, and Charles Moller; and in favor of G. A. Parsons, Adjutant General, the sum of seventy-five cents, the amount by him paid for Wadding. Sixth, In favor of E. Plump for three kegs rifle powder at eight dollars, 12 yards flannel, for amount paid by him for repairing drum, and thirty dollars paid musicians, making in all fifty-nine dollars and twenty-five cents, as per account rendered. Seventh, The

foregoing sums shall be paid by the Treasurer in full satisfaction for said services out of the contingent fund of the General Assembly.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 21, 1845.

CIRCUIT.

AN ACT to repeal an act respecting the Fourteenth Judicial Circuit.

The act for the benefit of the Judge of the Fourteenth Judicial Circuit repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That an act for the benefit of the Judge of the Fourteenth Judicial Circuit, approved February the twenty-fourth, one thousand eight hundred and forty-three, be and the same is hereby repealed.

This act to take effect from and after its passage.

APPROVED, Jan 14, 1845.

CLERKS.

AN ACT to render the election of Clerks of certain Courts uniform.

	SECTION		SECTION
Election for circuit and county court clerks of Platte county, when hereafter to be held,	1	When terms of present clerks expire, vacancys how filled,	2
		In other respects, general law governs,	3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That hereafter the election for clerk of the county court of Platte county, and for clerk of the circuit court of said county, shall be held on the first Monday in August, in the year eighteen hundred and forty-seven, and on the first Monday in August in every sixth year thereafter; and the persons so elected shall enter upon the discharge of their duties on the first day of January next after their election respectively.

§ 2. When the terms for which the present clerks of the said courts are elected, shall expire, the vacancy so occasioned in the office of the county court clerk, shall be filled by appointment made by the judges of the county court; and the vacancy so occasioned in the office of the circuit court clerk, shall be filled by appointment made by the circuit judge, and the persons appointed shall hold their respective offices until other clerks shall be chosen as aforesaid.

§ 3. The election for such officers as aforesaid, shall, where this act is silent, be governed by other general laws respecting the elections of clerks, now in force.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 20, 1845.

CORRECTION—HOUSE OF.

AN ACT to authorize the county court of St. Louis county to establish a House of Correction.

	SECTION		SECTION
County court of St. Louis county authorized to provide a fit and convenient house or houses of correction within said county,	1	pay fine and costs, may be kept at labor until paid by his work or labor.	7
When deemed expedient by county court, may use county jail as a house of correction until a suitable workhouse may be provided; and contract for use of city workhouse,	2	When house of correction is established, county court to notify judge of criminal court—duties of the judge thereon,	8
On conviction, where the punishment is by fine, and the fine and all costs shall not be paid by the party convicted; or where the punishment is by fine and imprisonment in county jail; shall be committed to house of correction,	3	Master or keeper, or other persons appointed under this act to take an oath for faithful discharge of duties, and to give bond with securities,	9
Persons convicted of offences for which, the punishment is imprisonment in county jail, committed to house of correction,	4	Compensation of officers fixed by court, County court may procure materials for labor of convicts, or may employ convicts in making roads improving highways and erection of bridges,	10
The county court to appoint a master, or keeper his powers and duties,	5	Convicts, to be well supplied with food and treated with humanity,	11
On convictions where the punishment is by fine and imprisonment in county jail, jury or judge of criminal court to assess term of imprisonment, defendant delivered to master, or keeper, by marshal,	6	County court to appoint committees, their duties,	12
Where defendant has served out the time of his sentence, and fails or refuses to		Any officer of said house of correction violating provisions of this act, how punished,	13
		At each term of criminal court, grand jury to appoint a committee, its powers and duties,	14
		Acts repugnant to the provisions of this act repealed,	15
			16

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of St. Louis county is hereby authorized and empowered to erect or otherwise provide a fit and convenient house or houses of correction within said county, with suitable yards and other accommodations for the safe keeping, correcting, governing and employing all persons convicted of any offence against the laws of this State, in the criminal court of the county of St. Louis, by jury or otherwise, the punishment whereof is fine or imprisonment in said county jail, as hereinafter provided.

§ 2. The county court aforesaid may, if it shall be deemed expedient by them, use the county jail of St. Louis county and the yard adjoining, as a house of correction, until a suitable house of correction may be provided; and the said county court shall have power to make a contract with the city authorities of the city of St. Louis to use the city workhouse as a house of correction, subject to be governed for the time being as agreed upon by the contracting parties.

§ 3. Every person duly convicted of any offence in said county, the punishment whereof shall be by fine, and said fine and all costs shall not be paid by the party convicted, or where the punishment is by both fine and imprisonment in the said county jail, shall be by the court committed

to the house of correction until the fine and all costs be paid by the party so committed, or discharged by the work of the party as hereinafter provided.

§ 4. Every person duly convicted of any offence, the punishment whereof is by imprisonment in the county jail, shall be committed to said house of correction for the period of such imprisonment, and until all costs are paid as hereafter prescribed.

§ 5. The county court of said county shall have power to appoint a suitable person to be master or keeper of such house of correction, who shall be a citizen of the United States, and shall have resided one year in this State, who shall hold his office for one year and until his successor is appointed and qualified, subject, however, to be removed at any time by order of said court, and also said court shall have power to appoint guards and dismiss them at will, and to establish such rules and orders, not repugnant to the laws of this State, as said court shall deem necessary for restraining, governing and punishing the persons therein confined, and to keep good order in said house of correction.

§ 6. In all cases of offence against the laws of this State, the punishment whereof is by fine and imprisonment in the jail of said county, it shall be the duty of the jury, if the defendant be found guilty, or of the judge of the criminal court of said county, where the defendant may plead guilty, to assess the term of imprisonment which he shall undergo in the house of correction, and the amount of the fine, should any be imposed and not paid, which in no case shall be for a longer time, nor for a greater amount, than that prescribed by the existing laws of this State, in cases of conviction for petit larceny, or any other offence the punishment whereof is by fine or fine and imprisonment in the jail of said county, whereupon the marshal of the county of St. Louis shall deliver to the master or keeper of such house of correction, and he shall receive all persons so convicted and set them to work if they be able to labor, and employ and govern them while they remain in his custody in the manner required by this act, and prescribed by the rules and orders established for that purpose by said county court.

§ 7. When any defendant shall have served out the term for which he may have been sentenced under the provisions of this act, and shall fail, neglect, or refuse to pay any fine which may have been imposed upon him, or the costs of prosecution, he shall be detained and kept at work, for which he shall be allowed the sum of fifty cents per day for each day's labor, until his services shall amount to a sum sufficient to pay the fines and all costs of prosecution adjudged against him, and thereupon he shall be discharged by the master or keeper of said house of correction.

§ 8. It shall be the duty of said county court, as soon as practicable after the establishment of a house of correction, to notify the judge of the St. Louis criminal court of the fact, and the judge of said criminal court shall from and after the date of receiving such notice, cause all verdicts and judgments rendered against any person or persons punishable by the laws of this State by fine or imprisonment, or both, in the jail of said county, to be sentenced and punished according to the provisions of this act.

§ 9. It shall be the duty of the master or keeper, and all other agents appointed under the provisions of this act, to take an oath before entering upon the duties of their office, before some judge or justice of the peace, to support the constitution of this State and of the United States, and faithfully and honestly demean themselves in office; the master or keeper of said house of correction shall be required to enter into bond to said court, with two or more securities to be approved by said court, in the sum of there thousand dollars, conditioned that he will in all things faithfully and honestly demean himself in office, and account for all moneys received by him on account of the same, and obey the orders and directions of said court in all matters connected with said house of correction or the convicts confined therein.

§ 10. The compensation of all officers and agents for their services, who may be appointed under the provisions of this act, shall be fixed by said court.

§ 11. It shall be lawful for said county court to procure materials of such kind as they may deem proper, and place the same within the walls of said house of correction or the yard thereof, whenever the said court may deem it necessary in order to keep the convicts employed who may be confined in said house of correction; said court may also cause said convicts to be employed within said county outside the walls of the said house of correction, in making roads, improving public highways, the erection of bridges, and the making of such other improvements of a public character, or in any other way, as said court may deem of general utility.

§ 12. The convicts sentenced under the provisions of this act shall at all times during the confinement, be furnished with sufficient quantity of wholesome food, and treated with humanity by the officers of said house of correction.

§ 13. It shall be the duty of said county court at the first term thereof after a house of correction shall have been established, and every six months thereafter, to appoint a committee to be composed of at least two members of said court, who shall from time to time examine into the condition of said house of correction, and report in writing, which shall be spread upon the records of said court.

§ 14. Any officer of said house of correction who shall be guilty of a violation of any of the provisions of this act, or of any rules and regulations made in regard to the government of said house of correction, by the county court of said county, shall be subject to indictment, and upon conviction thereof in the criminal court of said county shall be adjudged guilty of a misdemeanor, and sentenced by said court to pay a fine of not more than one hundred dollars, and on failure or refusal to pay such fine and costs, shall be imprisoned by said court for a term of not more than three months.

§ 15. The grand jury of said county shall at each term of the St. Louis criminal court appoint a committee of at least two of their own body, who shall examine into the condition of said house of correction, the treatment of convicts, the conduct of officers connected with said house of correction, and make report thereof to the judge of said criminal court, who

shall cause the same to be spread upon the records of said court; and if in said report it shall appear that any officers of said house of correction have violated any of the provisions of this act, or any rules and regulations made by the county court aforesaid, the circuit attorney of said county shall prosecute them for the same.

§ 16. All acts or parts of acts inconsistent with, or repugnant to any of the provisions of this act, are hereby repealed.

This act to take effect from its passage.

APPROVED, March 24, 1845.

COSTS.

AN ACT to authorize the payment of certain costs.

SECTION.	SECTION.
Auditor to draw his warrant on the Treasurer in favor of Joshua Davis, clerk of Greene county circuit court, 1	Auditor to draw his warrant on the Treasurer in favor of J. P. Pool, clerk of the circuit court of Wright county, 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer in favor of Joshua Davis, clerk of the circuit court of Greene county, for forty-two dollars and fifteen cents, as payment in full of a fee bill certified and allowed by the judge and circuit attorney, in the case of the State of Missouri v. John R. Short.

§ 2. That the Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer of the State in favor of J. P. Pool, clerk of the circuit court of Wright county, for one hundred and thirty dollars and seventy two cents, as payment in full of a fee bill allowed and certified by the judge and circuit attorney in the case of the State vs. Hiram Harmon, in the same manner as if the same had been presented to the Auditor for allowance within two years after said demand accrued.

This act to take effect from and after its passage.

APPROVED, Feb. 21, 1845.

COUNTIES.

AN ACT to change the name of Niangua county to Dallas.

SECTION.	SECTION.
Name of Niangua county changed to Dallas county, 1	continued in the name of the county of Dallas, 2
Change of name not to affect any laws, contracts, acts, &c., and all matters, &c. commenced before 1st June next, to be 3	Courts held for Niangua county, shall be held for Dallas county, 3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All that portion of country heretofore known as the county of Niangua, shall hereafter compose and be known as the county of Dallas.

§ 2. All laws in force relating to the county of Niangua, shall be construed to apply in all respects to the county of Dallas; and all acts and things done and performed, and contracts made or which may be done or made before the first day of June next, in the name of the county of Niangua, shall be as valid and binding in that county, and all others, as if made or done in the name of the county of Dallas; and all matters or business which are commenced, or which shall be commenced before the said first day of June next, in the name of the county of Niangua, shall be continued in the name of the county of Dallas; and all officers, civil or military, appointed or to be appointed for the county of Niangua, shall be deemed and taken to be appointed for the county of Dallas, and are hereby authorized to act as such.

§ 3. All courts heretofore established and directed by law to be held in the county of Niangua, shall in all respects apply to the county of Dallas.

This act to take effect from its passage.

APPROVED, Dec. 16, 1844.

COUNTIES.

AN ACT supplemental to an act entitled "an act to define the bounds of Scotland county, and for other purposes, approved January sixth, eighteen hundred and forty-three.

SECTION	SECTION
The county court of Scotland county to pay to the county court of Knox, certain dues, after deducting therefrom certain	amounts expended by said county court of Scotland for the benefit of said county of Knox, 1

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That such amount of money as shall have been or shall hereafter be legally expended by the county court of Scotland county, since the sixth of January, eighteen hundred and forty-three, within the limits and for the benefit of the county of Knox, shall be considered and deemed a payment by the county of Scotland to the county of Knox, of so much of what shall be due the county of Knox by the county of Scotland, by virtue of the fifth section of the above recited act; and that the county court of the county of Scotland shall pay over to the county of Knox all moneys due by the provisions of the above recited act, after deducting such payment, so soon as the county of Knox shall be fully organized.

This act to take effect from and after its passage.

APPROVED, Jan. 14, 1845.

COUNTIES.

AN ACT to survey and mark out the boundary line between the counties of Taney and Decatur.

SECTION.	SECTION.
James Arnold of Greene county appointed surveyor. To make oath before a judge or justice of the peace, &c.	Description of the boundary line to be run 4
Two reports to be made, accompanied by plats	Manner of establishing and marking said line 5
Assistants allowed. Assistants to take oath, &c.	What shall be set forth in the report 6
	Compensation allowed 7
	Said Arnold failing to act, the county courts of Taney and Decatur to appoint another surveyor 8

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. James Arnold of Green county is hereby appointed to survey and mark out the boundary line between the counties of Taney and Decatur. Before entering upon the discharge of the duties herein described, he shall take and subscribe an oath, in duplicate, before some judge or justice of the peace of this State, that he will faithfully and impartially discharge the duties of a surveyor, and execute to the best of his ability the requirements of this act.

§ 2. Said Arnold shall make out two reports, in duplicate, of his proceedings under this act, one of which he shall return to the county court of the county of Taney, and the other to the county court of the county of Decatur, to which report he shall certify, and it shall be accompanied by a correct plat of the line run in accordance with the provisions of this act.

§ 3. Said Arnold shall select as assistants, two chain-carriers, one marker, and one flag-man, who shall be men of known integrity and of good character, two of whom shall be citizens of the county of Taney, and two of the county of Decatur, who, before entering upon the discharge of their duties, shall swear to and subscribe, in duplicate, an oath similar to the oath prescribed to persons in like capacity in the service of the United States, which oath or affidavit, together with his own, shall be returned by said Arnold with and form a part of the report above provided for.

§ 4. After complying with the first and third sections of this act, said Arnold shall proceed to ascertain the true position and direction of that portion of the range line between ranges sixteen and seventeen west, immediately south of the south boundary of the State of Missouri, and after adjusting his compass thereto, he shall continue said line in the direction so found, to its intersection with the south boundary of township twenty-five; thence along said boundary to the corner of range sixteen and seventeen west; thence from said corner north, or as near as may be, parallel to the range lines, based upon the said south boundary, until he shall intersect the south boundary of the county of Wright, and said line so run shall be the permanent boundary line between the counties of Taney and Decatur to all intents and purposes.

§ 5. Said Arnold shall cause said line to be distinctly blazed and marked, and pillars of stone or earth erected at noted points on said line, to which if such number is convenient, he shall mark with a blaze and notch facing said pillar, four trees as witnesses thereto, and he shall in like manner mark and establish the intersection of said line with all lines lawfully established either by this State or the United States.

§ 6. The report required by this act to be made to the county courts of Taney and Decatur, shall contain the field notes of all the proceedings of the said Arnold in the survey of the line herein provided for, in which shall be entered a correct account of the distance of all noted objects on said line or lines, from each intersection with the lines heretofore lawfully established—the size, name and course of the streams crossed—the description, course and distance to all trees taken as witnesses; and such other facts as said Arnold may deem of importance in determining and perpetuating the position of the said line.

§ 7. Said Arnold shall be allowed and paid as a full compensation for his services under this act, the sum of three dollars for every day he may necessarily be employed in discharge of the duties herein imposed, and such assistants the sum of one dollar for every day so employed, which shall be paid in equal moieties out of the county treasuries of the counties of Taney and Decatur.

§ 8. If said Arnold shall die, refuse, or fail to comply with the provisions of this act within six months after the passage of the same, then the said county courts of the counties of Taney and Decatur shall immediately, by joint or concurrent order, appoint some other suitable person as surveyor, who shall proceed immediately in all respects to execute and discharge the duties, and receive like compensation for his services as is imposed upon and allowed to said Arnold by the provisions of this act.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 27, 1845.

COUNTIES.

AN ACT to establish the boundary line between Franklin and Jefferson counties.

SECTION.		SECTION.	
Charles Roussin and Peregrine Tibbet appointed commissioners	1	Compensation,	5
Commissioners to employ a surveyor and assistants,	2	Commissioners, surveyor and his assistants to make oath; how,	6
Surveyor to act as commissioner, if required,	3	Surveyor to make copies of plats and field notes, where to be sent,	7
Commissioners and surveyor to meet; when and where; manner of filling vacancies,	4	Expenses, by whom and in what proportion paid,	8

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Charles Ronson [Roussin,] of Washington county, and Per-

igreen [Peregrine] Tibbet, of St. Louis county, be and they are hereby appointed commissioners to run, mark out, and establish the boundary line between Franklin and Jefferson counties, as laid down by law, approved 20th March, 1835.

§ 2. The commissioners shall employ a surveyor, and the necessary number of axe, chain and flag men, (not to exceed five) to assist the surveyor to run, mark out and establish the aforesaid line.

§ 3. The surveyor, in addition to his duties as surveyor, shall act as a third commissioner, if required; in establishing the said line.

§ 4. The commissioners and surveyor shall meet at Jonathn Potts', on Caloy [Calvey] creek on the first Monday of October, 1845, or at any subsequent day within the month of October or November, 1845, and proceed to establish said line. Should either of the commissioners or surveyor fail to act, the other commissioner shall have power to fill the vacancy; if a commissioner, the vacancy to be filled from the county in which the vacancy occurred; and should both of the commissioners fail to act, by sickness, death or otherwise, the county courts of Franklin and Jefferson shall appoint two commissioners, one from St. Louis county and the other from Washington county, who shall have the same powers given by this law to the above named commissioners, and should the commissioners fail to meet within the time specified, the county courts of Franklin and Jefferson shall appoint the time of meeting.

§ 5. The commissioners, surveyor and assistants, shall each receive for their services per day, for the time they are necessarily employed, viz: each of the commissioners two dollars and fifty cents, surveyor three dollars, and each of the assistants one dollar.

§ 6. The commissioners and surveyor, before entering upon the duties assigned them by this act, shall take an oath before some judge or justice of the peace, that they will faithfully perform the same, and the surveyor shall have power to administer the necessary oath to his assistants to the faithful performance of their respective duties.

§ 7. The surveyor shall make out from his original field notes 2 copies of plats and field notes, one of which the commissioners shall send with their report to the county courts of Franklin and Jefferson counties.

§ 8. The counties of Franklin and Jefferson shall each bear an equal proportion of the expenses necessarily incurred in executing this law.

This act to take effect from its passage.

APPROVED, Feb. 6, 1845.

COUNTIES.

AN ACT to provide for the organization of certain counties.

SECTION.		SECTION	
Nodaway County.—Boundaries described. Organized, Commissioners to select seat of justice, appointed, time and place of meeting	1	Time and place of holding courts	3
		Gentry County.—Boundaries described. Or-	4
		ganized	
	2	Commissioners to select county seat ap-	

	SECTION		SECTION.
pointed; time and place of meeting	5	Commissioners appointed to select a seat of justice	31
Time and place of holding courts	6	<i>Oregon County</i> —Boundaries described; organized	32
<i>Lawrence County</i> .—Boundaries described.		Place of holding courts	33
Organized	7	Commissioners appointed to select seat of justice	34
Commissioners to select seat of justice appointed; time and place of meeting	8	<i>Moniteau County</i> .—Boundaries described; organized	35
Time and place of holding courts	9	Place of holding courts	36
<i>Harrison County</i> .—Boundaries described.		Commissioners to select seat of justice appointed; time and place of meeting; location of seat of justice	37
Organized	10	Compensation of the commissioners to select the seats of justice of the several counties	38
Territory attached, for certain purposes, to Harrison county	11	Governor, with certain exceptions, to appoint certain county officers	39
<i>Texas County</i> .—Boundaries described. Organized	12	Clerks, how appointed	40
Commissioners to select seat of justice appointed; time and place of meeting	13	Commissioners to select county seat of Mercer county appointed; time and place of meeting	41
Time and place of holding courts	14	Time and place of holding Mercer county courts	42
<i>Mississippi County</i> .—Boundaries described.		Commissioners to select county seat of Sullivan county appointed; time and place of meeting	43
Organized	15	Time and place of holding courts in Sullivan county	44
<i>Hickory County</i> .—Boundaries described; organized	16	Commissioners to select county seat of Harrison county appointed; time and place of meeting	45
Commissioners to select seat of justice appointed; time and place of meeting	17	Time and place of holding courts in Harrison county	46
Time and place of holding courts	18	Commissioners to select county seat of Dunklin county appointed; time and place of meeting	47
<i>Sullivan County</i> .—Boundaries described; organized	19	Time and place of holding courts in Dunklin county	48
<i>Dunklin County</i> .—Boundaries described; organized	20	<i>Cedar County</i> —Boundaries described; organized	49
<i>Mercer County</i> .—Boundaries described; organized	21	Commissioners to select seat of justice appointed; time and place of meeting	50
<i>Schuyler County</i> .—Boundaries described; organized	22	Time and place of holding courts	51
Place of holding courts	23		
Commissioners to select seat of justice appointed; location of seat of justice	24		
Times of holding courts	25		
<i>Knox County</i> .—Boundaries described; organized	26		
Commissioners to select seat of justice appointed; time and place of meeting; location of seat of justice	27		
Place of holding courts	28		
<i>Atchison County</i> .—Boundaries described; organized	29		
Time and place of holding courts	30		

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. All that portion of territory bounded as follows, viz: Beginning in the middle of the main channel of the Nodaway river, opposite the line dividing townships sixty-one, and sixty-two; thence up the middle of the main channel thereof to the mouth of the brook, in what is known by the name of the Roland grove; thence due west to the dividing ridge, dividing the waters of the Big Tarkio, and Nodaway rivers; thence north upon the top of said dividing ridge to the State line; thence with the State boundary line to the old western boundary of the State; thence south with the same to the township line dividing townships sixty-one and sixty-two; thence west with said township line to the place of beginning, is hereby organized into a separate and distinct county, to be called and known by the name of NODAWAY.

§ 2. Amos Graham and William M. Sitton, of the county of Andrew, and Daniel Hunsucker, of the county of Holt, are hereby appointed commissioners, to select the permanent seat of justice of said county; said commissioners shall meet at the House of J. N. Prather, on the first Monday of June next.

§ 3. The county courts of said county, shall be held on the first Mondays of February, May, August and November, and the first meeting of said court, shall be at the house of J. N. Prather, and shall continue to be there held, until the permanent seat of justice is established, unless otherwise ordered by the court.

§ 4. All that portion of territory included within the following limits, to wit: Beginning at a point where the township line dividing townships sixty and sixty-one, intersects the range line between ranges twenty-nine and thirty; thence north along said range line to the township line dividing townships sixty-four and sixty-five; thence west to the old boundary line of this State; thence south with the old State boundary line to the township line dividing townships sixty and sixty-one, and thence east to the beginning, be and the same is hereby declared to be a separate and distinct county, to be called GENTRY.

§ 5. Stephen Jones, of Andrew county; Armstrong McClintock, of Clinton county, and Ebenezer H Wood, of Daviess county, are hereby appointed commissioners, to select the seat of justice of said county, whose duty it shall be to meet on the first Monday of April next, at the house of Daniel Sanders, for the purpose of selecting and locating the permanent seat of justice of said county.

§ 6. The county courts for the county of Gentry, shall be held at the house of Daniel Sanders, until the permanent seat of justice shall be located, unless the county court shall otherwise direct, on the first Mondays of February, May, August and November.

§ 7. All that portion of territory included within the following limits, to wit: Beginning at the corner of sections twenty-five and thirty-six, on the range line dividing ranges twenty-four and twenty-five; thence north with said range line to the township line dividing townships twenty-nine and thirty; thence west with said township line until it intersects the east line of Jasper county; thence south with the east line of the counties of Jasper and Newton, to the corner of sections twenty-five and twenty-six, thirty-five and thirty-six, of township twenty-six, north of range twenty-nine west; thence due east with the sub-divisional lines of said township twenty-six, to the place of beginning, is hereby created a separate and distinct county, to be called LAWRENCE.

§ 8. Larkin Newton, of Newton county, Elijah Gray, of Greene county, and Samuel Melugan, of Jasper county, are hereby appointed commissioners to select the county seat of Lawrence county, whose duty it shall be to meet at the house of Robert Taylor, on the first Monday in May next, for that purpose.

§ 9. The county court of Lawrence county shall be held at the house of Robert Taylor, until the seat of justice shall be established, unless the

county court shall otherwise direct, commencing on the first Mondays of May, November, and February.

§ 10. All that portion of territory included within the following limits, to wit: Beginning at the north east corner of Daviess county, thence north twenty-four miles; thence west twenty-four miles; thence south twenty-four miles, to the north west corner of Daviess county; thence east along the north boundary of Davies county, to the place of beginning, is hereby declared to be erected into a separate and distinct county, to be called HARRISON, in honor of the late A. G. Harrison, representative in Congress from this State.

§ 11. All that portion of territory lying north of Harrison county, shall be attached to said county for civil and military purposes.

§ 12. All that portion of territory included within the following limits, to wit: Beginning at the north-east corner of section five, in township thirty-three north, in range six west; thence due south to the township line dividing townships twenty-seven and twenty-eight; thence west with said township line, to the middle of range twelve west; thence north in the middle of said range twelve, to the township line dividing townships thirty-three and thirty-four, and thence east with said township line to the point of beginning, is hereby erected a separate and distinct county to be called TEXAS.

§ 13. James Tunel, of the county of Wright, Samuel H. Grigsby, of the county of Pulaski, and John Buford, of the county of Shannon, are hereby appointed commissioners, to select the seat of justice for the county of Texas, whose duty it shall be to meet at Ellsworth, on the first Monday in May next, for the purpose of selecting and locating a seat of justice for said county of Texas.

§ 14. The county courts to be held in the county of Texas, shall be held at Ellsworth, until the permanent seat of justice shall be established, unless the county court shall otherwise direct, commencing on the first Mondays of June, September, December, and March.

§ 15. All that portion of territory included within the following limits, to wit: Beginning in the middle of the main channel of the Mississippi river, opposite to the middle of Buffalo Island; thence down the middle of the main channel with the State line, opposite to the mouth of James' Bayou; thence westwardly with the northern boundary of New Madrid county, to a point in the swamp, two miles due east of the northern boundary line of a certain tract of land situated in the upper end of the Big Prairie, originally granted to one Moses Hailey; thence in a north eastwardly direction to the point of beginning, so as to include the residence of Carrol V. Randol, shall be and the same is hereby created a separate and distinct county, to be called MISSISSIPPI.

§ 16. All that portion of territory included within the following limits, to wit: Beginning at the south east corner of township thirty-seven, north of range twenty west; thence north to the north-east corner of section twelve, of township thirty-eight north, of range twenty west; thence west along the section line, to the north west corner of section seven, of township thirty-eight north, and range twenty-three west; thence south, on

the range line to the south west corner of township thirty-seven north, range twenty-three west; thence west to the northwest corner of section three in township thirty-six north, range twenty-four west; thence south on the section line, to the south west corner of section three, in township thirty-five north, range twenty-four west; thence east on the section line, to the south east corner of section one, township thirty-five, north range twenty one west; thence north on the range line, to the northwest corner of township thirty-six north, range twenty west; thence east on the township line to the place of beginning, shall be, and is hereby created a separate and distinct county, to be called HICKORY.

§ 17. Henry Bartlett, William Lemon, and James Johnson, are hereby appointed commissioners to select a seat of justice for the county of Hickory, whose duty it shall be to meet at the house of Judge Holbert, on the first Monday of May, for that purpose.

§ 18. The courts to be held in the county of Hickory, shall be held at Judge Holberts, until the permanent seat of justice shall be established, unless the county court shall otherwise direct, commencing on the first Mondays of May, August, November, and February.

§ 19. All that portion of territory included in the following limits, to wit: Beginning at the north-east corner of Linn county, where it joins Adair county, thence with the line of Linn county, west, to the northwest corner of said county of Linn; thence due north in the middle of range twenty-two, with the east line of Grundy county, to the line dividing townships sixty-four and sixty-five, to include all of township sixty-four; thence east with the line of township sixty-four and sixty-five, to the line dividing ranges seventeen and eighteen, to include all of range eighteen, thence due south with said line dividing ranges seventeen and eighteen, to the place of beginning, is hereby created a separate and distinct county, to be called SULLIVAN, in honor of General Sullivan of Revolutionary memory.

§ 20. All that portion of territory included within the following limits, to wit: Beginning in the middle of the main channel of the St. Francois river, at the point where the State line between the States of Missouri and Arkansas, in latitude thirty six degrees and thirty minutes, north latitude, leaves said river thence east on said State line to the western line of New Madrid county; thence south with said line to the southern boundary of the State; thence west on said southern boundary to the middle of the main channel of the St. Francois river; thence up the middle of the main channel thereof, to the place of beginning, is hereby created a separate and distinct county to be called DUNKLIN, in honor of Daniel Dunklin, late Governor of this State.

§ 21. All that portion of territory included within the following limits, to wit: Beginning at the north east corner of Grundy county, thence due north to the northern boundary line of the State; thence due west twenty-one miles; thence due south to the north west corner of Grundy county; thence east with said county line to the place of beginning is hereby created a separate and distinct county, to be called MERCER.

§ 22. All that portion of territory included within the following limits,

to wit: beginning at the northeast corner of Adair county, in the middle of range thirteen; thence due north to the northern boundary line of the State of Missouri; thence west with said State line to the middle of the Chariton river; thence south down the middle of the main channel of said river to the north [line] of Adair county; thence east with said north line of Adair county to the place of beginning, is hereby created a distinct and separate county, to be called SCHUYLER.

§ 23. The county court of said county shall be held at the house of James Yates, until the permanent seat of justice is established, or until the county court shall otherwise direct.

§ 24. Robert Bronaugh, of the county of Ralls, Harrison Munday, of the county of Lewis, and John H. Romjue, of the county of Scotland, are hereby appointed commissioners, to select the permanent seat of justice for said county; and the said commissioners are hereby required to select the said seat of justice within a mile of the geographical centre of said county.

§ 25. The regular terms of the county court of Schuyler county, shall be held on the first Mondays of January, April, July and October.

§ 26. All that portion of territory included within the following limits, to wit: beginning at the southeast corner of Scotland county, on the township line dividing townships sixty-three and sixty-four; on the range line dividing ranges nine and ten, running south with said line to the township line dividing townships fifty-nine and sixty; thence west with said line to the middle of range thirteen; thence north running in the centre of range thirteen to the southwest corner of Scotland county; thence with the south boundary line of said county to the place of beginning, is hereby created a separate and distinct county to be called KNOX, in honor of General Knox of Revolutionary memory.

§ 27. Thomas C. Rutherford, of Clark county, Walker Austin of Macon county, and Walter Crockett of Putnam county, are hereby appointed commissioners to select the permanent seat of justice for said county of Knox; said commissioners shall meet at the town of Edina on the first Monday of May next; said commissioners shall select the seat of justice within four miles of the geographical centre of said county of Knox, due regard being had to the convenience of the majority of the citizens of said county.

§ 28. The county court of Knox county shall be held in the town of Edina, until otherwise directed by the county court.

§ 29. All that portion of territory included within the following limits, to wit: beginning in the middle of the main channel of the Missouri river, at a point where the line running through the centre of township sixty-three intersects the same; thence east with said line to the middle of the main channel of the river Nodaway; thence up the middle of the main channel of said river to the north boundary line of the State; thence west along said boundary line to the middle of the main channel of the Missouri river; thence down the middle of the main channel of said Missouri river to the place of beginning, is hereby created a separate and distinct county, to be called ATCHISON, in honor of David R. Atchison.

§ 30. The county courts of Atchison county shall be held on the first Mondays of June, September, December and March, at the dwelling

house of Coonrad Clipfield, until the permanent seat of justice is established, unless the county court shall otherwise direct.

§ 31. James Miller and Claiborne C. Palmer of Holt county, and Joseph Walker of Andrew county, are hereby appointed commissioners to select a seat of justice for said county of Atchison.

§ 32. All that portion of territory included within the following limits, to wit, beginning at the south east corner of township twenty-eight of range three, and running west to the range line dividing ranges nine and ten; thence south with said line to a point on the top of a ridge of land which divides the waters of Big North Fork of White river and Bennett's bayou from the waters of Spring river and Eleven-points river; thence on the top of said ridge to a point where it strikes the western line of Ripley county; thence north with said line to the point of beginning, is hereby created a separate and distinct county, to be called OREGON.

§ 33. The county court of said Oregon county shall be held at the dwelling house of John Thomas until the county seat be permanently located, unless the county court shall otherwise direct.

§ 34. John Buford and John Chilton of Shannon county, and Hardy Keel of Ripley county, are hereby appointed commissioners to select the permanent seat of justice for said county of Oregon.

§ 35. All that portion of territory included within the following limits, to wit, beginning at a point where the range line dividing ranges fourteen and fifteen west, extending north, will intersect the middle of the main channel of the Missouri river; thence in a direct line to the corner of township forty-five and forty-six of range fifteen and sixteen; thence with said range line to the south east corner of section one, in range sixteen, and township forty-five; thence west to the north west corner of section seven, in township forty-five, of range seventeen; thence south to the north west corner of section seven, in township forty-four, of range seventeen; thence in a direct line to the south west corner of township forty-three, of range fifteen; thence east to the south west corner of section thirty-two, in township forty-three, of range fourteen; thence in a direct line to the south east corner of section twelve, in township forty-six, of range fourteen; thence north to the middle of the main channel of the Missouri river; thence up the said river to the beginning, is hereby created a separate and distinct county, to be called MONITEAU.

§ 36. The county court shall be held at Salem meeting house, near Reuben Job's, until the permanent seat of justice is established, unless the court shall otherwise direct.

§ 37. Edmund Wilkes of Miller county, William Massie of Osage county, and Jacob Burrows of Cooper county, are hereby appointed commissioners to select the permanent seat of justice for said county of Moniteau, and said commissioners shall locate the seat of justice for said county of Moniteau at the nearest eligible situation to the geographical centre. Said commissioners shall meet at the dwelling house of Allen Bowlin on the first Monday in May next.

§ 38. The commissioners to select the seats of justice for the different counties hereby created, shall each receive the sum of two dollars per day

for every day they may necessarily be engaged in the discharge of their duties.

§ 39. The Governor is hereby authorized and required to appoint and commission, in each of the counties hereby created, except Mississippi and Mercer, three persons to act as justices of the county court, and one person to act as sheriff, who shall hold their offices until the next general election, and until their successors are duly elected and qualified.

§ 40. The circuit and county courts in the different counties by this act created, or the judge or judges thereof, in vacation, shall appoint their respective clerks, who shall hold their offices until the next general election for clerks, and until their successors are duly elected and qualified.

§ 41. George Monroe of Livingston, Robert Wilson of Daviess county, and Lewis Tyer of Linn, be and they are hereby appointed commissioners to select a permanent seat of justice for the county of Mercer, and said commissioners shall meet at the house of Joseph Gardner on the first Monday of November next.

§ 42. The county court for Mercer county shall be held at the dwelling house of Samuel Prewitt, until the permanent seat of justice is established, unless the county court shall otherwise direct, and said courts shall be held on the first Mondays of April, July, October and January.

§ 43. James Lomax of Grundy county, Jeremiah Phillips of Linn, and William Garritt, sen. of Macon, be and the same are hereby appointed commissioners to select a permanent seat of justice for the county of Sullivan, and said commissioners shall meet at the house of Armstead Hill on the first Monday in May next.

§ 44. The county court for the county of Sullivan shall be held, until the permanent seat of justice is established, unless the court shall otherwise direct, at the house of Armstead Hill, commencing on the first Mondays in May, August, November and February.

§ 45. E. H. Wood of Daviess county, Edward Smith of Clinton county, and John J. Gibson of Grundy county, be and they are hereby appointed commissioners to select the permanent seat of justice for the county of Harrison. Said commissioners shall meet at Harris' Mills on the third Monday in April.

§ 46. The county court for the county of Harrison shall be held at the dwelling house of Philip Harris, on the third Mondays of April, July, October and January, until the permanent seat of justice is established, unless the county court shall otherwise direct.

§ 47. Robert Gibony of the county of ———, F. C. Butler of the county of New Madrid, and Enoch Evans of the county of ———, are hereby appointed commissioners to select the permanent seat of justice for the county of Dunklin, and said commissioners shall meet at the house of William Johnson, in St. Francois township in said county, on the first Monday in April next.

§ 48. The county court for the county of Dunklin shall be held at the dwelling house of William Johnson until the permanent seat of justice is established, unless otherwise directed by the court, commencing on the first Mondays of April, July, October and January.]

§ 49. All that portion of territory included within the following described limits. viz., beginning at the north west corner of township thirty-five, range twenty-four; thence west on the township line dividing townships thirty-five and thirty-six, ten miles to the north west corner of section four, in township thirty five, of range twenty-six; thence north four miles to the north west corner of section sixteen, in township thirty-six, of range twenty-six; thence west upon the section line dividing sections eight and seventeen, to the south west corner of section seven; thence south upon the line dividing St. Clair county and Bates, continuing upon the line dividing Dade and Jasper counties, to the south west corner of section twenty-four, in township thirty-three, of range twenty-nine; thence east upon the section line dividing sections twenty-three and four, to the line of Polk county; thence north upon the line dividing Polk and Dade counties, to the north east corner of Dade county; thence west one mile; thence north on the line dividing Polk and St. Clair counties, to the place of beginning; is hereby created a separate and distinct county, to be hereafter designated by the name of CEDAR.

§ 50. William W. Smith of Polk, Jonathan T. Berry of Henry county, and James Blakemore of Benton county, are hereby appointed commissioners to locate the permanent seat of justice for Cedar county, and said commissioner shall meet at Crow's Mills on the first Monday of April next, or some subsequent day previous to the first day of June, and proceed to locate the seat of justice for said county.

§ 51. The county courts for said county shall be held on the first Mondays in May, August, November and February, at the house of in said county of Cedar, until the permanent seat of justice is located, unless otherwise ordered by the court.

This act to take effect from and after its passage.

APPROVED, Feb. 14, 1845.

COUNTIES.

AN ACT to further organize the county of Moniteau.

SECTION.		SECTION.	
Judges of the county court to appoint an assessor,	1	from Cole to Moniteau, and may be settled with the Moniteau county court,	5
Time allowed assessor to return his book,	2	On the requisition of the Moniteau court, the clerk of Cole to deliver certain papers, &c., to the clerk of Moniteau, who shall receipt therefor. Requisition and receipt to be filed,	6
Time allowed collector to pay in revenue Property lately taxable in Cole, to be taxable in Moniteau for 1845. Collector of Cole to collect revenue for 1844. Late collector to collect revenue due him in either county,	3	Court to appoint a surveyor to run county lines. Powers of the said surveyor,	7
Administrations, &c., may be removed	4		

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That as soon as the Governor shall commission the judges of the county court of the county of Moniteau, they shall meet at Salem meet-

ing house, in the county of Moniteau, on a day to be by them fixed, for the purpose of appointing an assessor for said county, for the years eighteen hundred and forty-five and six.

§ 2. The assessor of said county of Moniteau shall not be compelled to return his book to the county court, until the first Monday in August next.

§ 3. The collector of the county of Moniteau shall not be compelled to pay the State revenue into the State treasury, until the first Monday in February next.

§ 4. All lands and taxable property subject to taxation in the county of Cole, now in the county of Moniteau, shall be subject to taxation in the county of Moniteau for the year eighteen hundred and forty-five; *Provided*, however, that nothing herein contained shall be so construed as to prevent the collector of the county of Cole, from collecting the revenue in the county of Moniteau for the year eighteen hundred and forty-four; *Provided further*, that the late collector of Cole county shall have power to collect all revenue in either county, due to said collector.

§ 5. That the several administrators of estates, and guardians, residents in the county of Moniteau, shall have power, by law, to remove their administrations and guardianships from the county court of Cole county to the county court of Moniteau county, and the said administrators and guardians shall settle all their administrations and guardianships in the same manner and with like effect, as if the same had commenced in the county of Moniteau.

§ 6. Upon the requisitions of the county court of Moniteau county, the county clerk of Cole county shall deliver to the clerk of the county court of Moniteau county, the papers and vouchers referred to in the last preceding section. The requisition thus made shall be filed in the clerk's office of Cole county, together with the receipt of the clerk of the county court of Moniteau county.

§ 7. The county court of Moniteau county shall have power to appoint some suitable and qualified person to act in conjunction with the several county surveyors of the counties of Cooper, Morgan and Cole, for the purpose of running the county lines of the county of Moniteau; and the surveyor so appointed shall have power to proceed to run and mark said lines by himself, if the said surveyors shall fail to attend on the days appointed by the county court of Moniteau county.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 21, 1845.



COUNTIES.

AN ACT supplementary to "an act to provide for the organization of certain Counties," approved, February fifteenth, one thousand eight hundred and forty-five.

SECTION.		SECTION.	
Assessors—how appointed. Their term of office. Time allowed to return tax book, Time of making such appointments,	1	Time allowed Collectors to pay in revenue for 1845,	3
	2	Courts to appoint county surveyors. Their term of office,	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. An assessor shall be appointed in each county organized by the act to which this is supplementary, unless otherwise provided for by the county court of the prespective counties, to hold their offices until, under the general law providing for the appointment or election of assessors, their successors shall be appointed or elected, and qualified, and said assessor herein required to be appointed by the county courts, shall not be required to make a return of their tax book till the first day of August next.

§ 2. The said county courts shall meet on the first Monday in April next, or as soon thereafter as possible, and at that term of the court, shall make said appointment.

§ 3. The collectors of the revenue of said counties shall be allowed until the first day of February, one thousand eight hundred and forty-six, to collect and pay into the Treasury the revenue of their respective counties for the year one thousand eight hundred and forty-five.

§ 4. The county court of said counties may appoint some competent person county surveyor, who shall continue in office until his successor is duly elected and qualified.

This act to take effect and be in force from and after its passage.

APPROVED Feb, 25th, 1845.

COUNTIES.

AN ACT to change a portion of the line dividing the counties of Camden and Miller.

SECTION.		SECTION.	
Description of new boundary,	1	Detached territory to be a part of Camden	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Beginning at the range line dividing ranges fourteen and fifteen; thence to run east one quarter of a mile; thence north three miles;

thence west to the line which now divides the above named counties of Camden and Miller.

§ 2. All that portion of territory in the above described boundary, shall form a portion of Camden county, and be subject to all the laws, rules and regulations as the present county now is.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 25, 1845.

COUNTIES.

AN ACT to organize the county of De Kalb.

	SECTION.		SECTION
<i>De Kalb County.</i> —Boundaries described.		Commissioners to locate seat of justice ap-	
Organized,	1	pointed. Their powers. Time and	
Place of holding courts,	2	place of meeting	5
Time of holding first term thereof,	3	Clerks to be appointed by their courts.	
Governor to appoint certain county offi-		Their term of office,	6
cers. Their term of office,	4		

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The territory lying and being within the following boundaries, to wit: beginning at the north east corner of Clinton county; thence north to the township line dividing townships sixty and sixty-one; thence west to the former western boundary line of this State; thence south with said boundary line to the north west corner of Clinton county; thence east with the north boundary of Clinton county to the place of beginning; be and the same is hereby declared to be a separate and distinct county, to be called *De Kalb* county.

§ 2. The courts to be holden in said county shall be held at the house of Henry Hunter, until the permanent seat of justice shall be established or the county court shall otherwise direct.

§ 3. The first term of the county court for said county shall be held on the first Monday in May, eighteen hundred and forty-five.

§ 4. The Governor is hereby authorized and required to appoint and commission three persons, residents in said county of *De Kalb*, as judges of the county court thereof, and one person, also a resident of said county; sheriff thereof, who when so appointed and commissioned, shall have power and authority to act as such in their respective offices under the existing laws, until the general election in the year eighteen hundred and forty-six, and until their successors are duly elected and qualified.

§ 5. Henry Brown, of Andrew county, Martin M. Nagel, of Clinton county, and Peter Price, of Daviess county, are hereby appointed commissioners for the purpose of selecting and locating the seat of justice for said county of *De Kalb*, and the said commissioners are vested with all the powers granted by the laws of this State, in relation to commissioners selecting and locating permanent seats of justice; and they shall

meet on the first Monday in May, eighteen hundred and forty-five, at the house of Henry Hunter, in said county of De Kalb, for the purpose of selecting and locating the permanent seat of justice of said county.

§ 6. The several courts shall appoint their clerks who shall hold their offices until the general election, in the year eighteen hundred and forty-six, and until their successors are duly elected and qualified.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 25, 1845.

COUNTIES.

AN ACT to organize the county of Reynolds.

	SECTION.		SECTION.
REYNOLDS COUNTY.—Boundaries described.			
Organized,	1	pointed,	2
Commissioners to locate county seat, ap-		Place of holding courts,	3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All that portion of territory included within the following limits, to wit: beginning at the south east corner of township 28 north, range 2 east; thence due west with said township line until the same strikes the dividing ridge, dividing the waters of Black river and Current river; then northwardly with the main divide of said ridge until the same strikes the northern boundary line of Shannon county; then east with said line until it intersects the north west corner line of Madison county; then due south with said line until it strikes the south west corner of Madison county; then due south with the direction of said line until it strikes the beginning corner, is hereby created a separate and distinct county, to be called the county of Reynolds.

§ 2. Ayres Hudspeth, of Washington county, John Miller, of Madison county, and Moses Carty, of St. Francois county, are hereby appointed commissioners, whose duty it shall be to meet at such time and place as they may think proper, and proceed to lay out the permanent seat of justice for said county.

§ 3. The circuit and county courts shall be held at the dwelling house of Joseph McNails, until the permanent seat of justice be located or the county court otherwise order.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 25, 1845.

COUNTIES.

COUNTIES.

AN ACT to alter the boundary line of Pettis and Benton counties.

SECTION.	SECTION.
Certain territory added to Pettis county.	Description of the boundaries thereof, 1

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. All that portion of territory now in the county of Benton, and bounded by the southern boundary line of Pettis county, and a line com-
mencing at the intersection of the line between townships forty-three
and forty-four, and the line between ranges twenty-one and twenty-two
and thence running due south to the south east corner of section twelve,
in township forty-three, of range twenty-two; thence due west to the
south west corner of section seven, in township forty-three, of range
twenty-three; thence north to the line between townships forty-three
and forty-four, shall be, and is hereby added to, and made part of the
county of Pettis.

This act shall take effect from and after its passage.

APPROVED, Feb. 26, 1845.

COUNTIES.

AN ACT in relation to the organization of Mercer county.

SECTION.	SECTION.
Governor to appoint certain county officers.	of office, 3
Their term of office,	1 Justices of the Peace, 4
Court to make an order of election for	Secretary of State to transmit a copy of
certain officers Time of election, &c.,	2 certain laws to the justices, 5
Governor to appoint a sheriff. His term.	

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Governor shall appoint three persons residing in the county
of Mercer, as county court justices thereof, and one person to act as
county and circuit clerk for said county, who shall perform the duties
pertaining to their respective offices until the first Monday of August
next, and until their successors are duly elected and qualified.

§ 2. The county court to be created as above provided shall (at their
first sitting as a court under the act creating said county of Mercer,) cause an order to be made for an election to be held in said county on
the first Monday of August next, for the purpose of electing three per-
sons to act as county court justices for said county, and one person to
act as clerk of the county court and one person to act as clerk of the
circuit court of said county; *Provided*, that the qualified voters of said
county may desire the offices to be kept separate, otherwise it shall be

lawful for them to elect one person to perform the duties of clerk of both courts.

§ 3. The Governor shall appoint some person competent in law to act as sheriff, when commissioned to be sheriff of the county of Mercer until the general election in the year of our Lord, 1846, and until his successor is duly elected and qualified.

§ 4. The justices of the peace within the county of Mercer, who have been commissioned by the county court of Grundy county to act as such for the county of Grundy, may continue to act as such for the county of Mercer, in their respective townships, and the county court may appoint additional justices of the peace if they deem it necessary.

§ 5. The Secretary of State shall cause a copy of this act, together with a copy of the law creating the county of Mercer, to be transmitted to the county court justices with their official notice of appointment as such.

This act to take effect from its passage.

APPROVED, Feb. 26, 1845.

COUNTIES.

AN ACT to define the boundaries of the county of Putnam and organize the same.

	SECTION.		SECTION.
First section of a certain act repealed,	1	relation to said selection,	5
Boundaries described,	2	Compensation of commissioners,	6
Place of holding courts,	3	Governor to appoint certain county officers:—their term of office,	7
Commissioners appointed to select county seat:—vacancies, how filled,	4	Times of holding courts,	8
Certain duties of said commissioners, in			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the first section of the act entitled an act to define the boundary of Putnam county, approved, February twenty-second, eighteen hundred and forty-three, be and the same is hereby repealed.

§ 2. The boundaries of the said county of Putnam shall be as follows: Beginning at a point just three miles north of the line dividing townships sixty-three and sixty-four, where Chariton river crosses the northern boundary line of Adair county; thence northward in the middle of the main channel of said river to the northern boundary line of the State of Missouri; thence west with the said State boundary line to the line dividing ranges twenty and twenty-one; thence south to the line dividing townships sixty-four and sixty-five; thence east to the line dividing ranges seventeen and eighteen; thence south in the last mentioned range line three miles, to the north west corner of Adair county; thence east to the place of beginning.

§ 3. The circuit and county courts of said county shall be held at the

dwelling house of James Corhorn until the permanent seat of justice is established, or until it shall otherwise be ordered by the county court of said county.

§ 4. Robert Bronaugh, of the county of Ralls, Harrison Munday, of the county of Lewis, and John H. Rumjue, of the county of Scotland, are hereby appointed commissioners to select and locate the permanent seat of justice of said county; and the county court of said county is authorized and empowered to supply any vacancy which may occur among the commissioners by any cause whatever.

§ 5. The said commissioners are hereby required to locate the said seat of justice at the most eligible point, having due regard to the convenience of water and timber.

§ 6. The said commissioners shall each receive two dollars per day for every day they may be necessarily employed in the discharge of their duties, to be paid by the county of Putnam.

§ 7. The Governor of the State is hereby authorized and empowered to appoint and commission, in said county, three persons as justices of the county court and one person as sheriff of said county; and the persons appointed and commissioned as such, shall hold their offices until the next general election, and until their successors are duly elected and qualified.

§ 8. The regular term of the county court of said county shall be held on the first Monday in February, May, August and November.

This act to be in force from its passage.

APPROVED, Feb. 28, 1845.

COUNTIES.

AN ACT to attach certain territory to Gentry county:

Certain territory attached to Gentry county, for certain purposes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All that territory lying north of the county of Gentry and south of the northern boundary line of this State, shall be and hereby is attached to Gentry county for civil and military purposes, until otherwise provided for by law.

This act shall take effect from its passage.

APPROVED, Feb. 28, 1845.

COUNTIES.

AN ACT supplemental and explanatory of an act entitled "an act to provide for the organization of New Counties," approved February fifteenth, eighteen hundred and forty-five.

	SECTION.		SECTION.
Boundary of Cedar county more fully described,	1	Place of holding court,	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The following is more fully the boundary of Cedar county, as was intended to have been described in the act organizing said county, to wit: beginning at the northwest corner of township thirty-five, of range twenty-four west; thence west on the township line dividing townships thirty-five and thirty-six, ten miles to the northwest corner of section four, of township thirty-five, of range twenty-six; thence north four miles to the northwest corner of section sixteen, township thirty-six, of range twenty-six; thence west upon a section line to the southwest corner of section seven, of township thirty-six, of range twenty-eight; thence south upon the line dividing the counties of St. Clair and Bates, continuing upon the line dividing the counties of Dade and Jasper to the southwest corner of section twenty-four, of township thirty-three of range twenty-nine; thence east upon a section line to the west boundary of Polk county; thence north on the line dividing the counties of Dade and Polk, to the northeast corner of Dade county; thence west one mile; thence north on the west boundary line of Polk county to the beginning.

§ 2. The county court of Cedar county shall be held at the mill formerly known as Crow's mill, on Bear creek, until otherwise ordered by said court.

This act to take effect from its passage.

APPROVED, Feb. 28, 1845.

COUNTIES.

AN ACT supplemental to an act to organize certain Counties.

	SECTION.		SECTION.
Certain property and taxes to enure to Knox county,	1	Concerning the collectors of Scotland county,	3
Concerning the sheriff of Scotland county,	2	Concerning the Scotland county court,	4
		Place of holding courts,	5

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All property within the limits of Knox county, which was taxable in Scotland county on the first day of February, 1845, is hereby declared taxable in Knox county for the said year 1845; and all taxes collected in

pursuance of the provisions of this section, shall enure to the county of Knox.

§ 2. All process which came into the hands of the sheriff of Scotland county, previous to the organization of the county of Knox, shall be executed and returned by said sheriff to the courts of Scotland county.

§ 3. The collectors of Scotland county shall have full power to collect all arrearages of revenue in Scotland and Knox counties.—

§ 4. All business transacted at the February term of the Scotland county court, shall have all the force and virtue that it would have had, if transacted prior to the organization of Knox county.

§ 5. The circuit courts for the county of Knox shall be held in the town of Edina, in Knox county, until otherwise directed by the Knox county court.

This act to take effect and be in force from and after its passage.

APPROVED, March 5th, 1845.

COUNTIES.

AN ACT supplemental to "an act to provide for the organization of certain counties."

	SECTION		SECTION.
Assessor of Linn to proceed, as though the county of Linn had not been organized,	1	respective county courts,	2
Assessor to return the tax books to their		Term of office of said assessor for Sullivan county; and county court of Linn to appoint an assessor,	3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the assessor of the county of Linn, elected on the first Monday in August, 1844, shall proceed to assess the taxable property, and inhabitants of the said county of Linn, and the county of Sullivan, for the year 1845, in the same manner as if the county of Sullivan had not been organized.

§ 2. Such assessor shall within the time prescribed by law, return the tax book containing the list of taxable property within the county of Linn to the county court of Linn; and within the time aforesaid, return the tax book, containing the list of taxable property within the county of Sullivan, to the county court of Sullivan county.

§ 3. That the said assessor shall continue in the office of assessor of Sullivan county, until the expiration of the time for which he was elected; and the county court of the county of Linn shall, at its first term after the first Monday in August, 1845, appoint an assessor for the county of Linn for the year 1846.

§ 4. This act to take effect from and after its passage.

APPROVED, March 10, 1845.

COUNTIES.

AN ACT to more properly define the line between the counties of Wayne and Reynolds.

Boundary between Wayne and Reynolds established and described.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the old Wayne line, dividing the counties of Wayne and Shannon, shall be and the same is hereby declared to be the dividing line between the counties of Wayne and Reynolds, from the south west corner of Madison county to the beginning corners of Reynolds county.

This act to take effect from and after its passage.

APPROVED, March 15, 1845.

COUNTIES.

AN ACT to attach certain territory to Sullivan county, for civil and military purposes.

Certain territory attached to Sullivan county, for certain purposes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That all that territory lying and being east of the county of Mercer, west of Putnam county, and north of Sullivan county, and extending to the northern boundary line of the State of Missouri, be and the same is hereby attached to Sullivan county for civil and military purposes.

This act to take effect from its passage.

APPROVED, March 15, 1845.

COUNTIES.

AN ACT to attach a portion of Polk county to St. Clair county.

A certain part of Polk county annexed to St. Clair county.

Be it enacted by the General Assembly of the State of Missouri as follows:

§ 1. All that portion of territory lying in Polk county, and bounded and described as follows, is hereby attached to and made part of the county of St. Clair, to wit: Beginning at the northwest corner of Polk county, thence south six miles; thence east three miles; thence north six miles; thence west, three miles, to the beginning, being the west half of township thirty-six, of range twenty-four west.

This act to take effect from and after its passage.

APPROVED, March 17, 1845.

COUNTIES.

AN ACT supplementary to the several acts organizing new counties, passed by the present General Assembly.

	SECTION.		SECTION.
All taxable property to be taxable in new counties for 1845,	1	ties,	3
Clerks of old counties to furnish tax lists to assessors of new counties; compensation therefor,	2	All assessors and collectors of new counties to be governed by certain laws,	4
County court of old counties to furnish the courts of new counties a list of assessment: cost to be paid by new counties,		No time being fixed for commissioners to locate the county seats to meet, county courts to fix the time,	5
		Administrators, &c., may be removed,	6

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That all lands and taxable property in the several new counties established at the present session of the General Assembly, shall be taxable in such new counties for the year eighteen hundred and forty-five.

§ 2. It shall be the duty of the several clerks of the county courts of old counties from which any new county or part of a new county may have been taken, to furnish immediately to the assessor of such new county a list of all taxable lands in the several new counties, and the several new counties shall pay the said clerk a reasonable compensation therefor.

§ 3. It shall be the duty of the county court of any old county from which any new county may have been formed, if such county shall have been assessed for the year eighteen hundred and forty-five, to cause to be made out and transmitted to the county court of such new county, a list of so much of such assessment as belongs to such new county, and the county court of such new county shall pay the expenses of such assessment, together with the expense of making out and transmitting the same.

§ 4. All assessors and collectors of counties established at the present session of the General Assembly, shall be governed in all respects by the provisions of an act approved February 25th, 1845, entitled "an act supplementary to an act to provide for the organization of certain counties," approved February fifteenth, one thousand eight hundred and forty-five.

§ 5. In any case where there has been no time set for the commissioners to meet for the purpose of locating the seat of justice of any new county, the county court of such county shall, whenever they think proper, notify them for that purpose; and where the time has been set for such commissioners to meet, the county court of such county shall have power to convene them at any time prior or subsequent to the time fixed for their meeting.

§ 6. The several administrators or guardians resident in any new county, shall have power to remove their administrations or guardianships from the county courts of the several old counties to the new counties, according to the provisions of an act further to organize the county of Moniteau, approved 21st February, 1845.

This act shall take effect from its passage.

APPROVED, March 17, 1845.

COUNTIES.

AN ACT to define the western boundary of Shannon County.

Western boundary of Shannon defined.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the western boundary line of the county of Shannon is and hereafter shall be as follows: Beginning at the line dividing township thirty-three and thirty-four north, where the line dividing ranges six and seven west crosses said line, running thence due south with said line to the line dividing townships twenty-seven and twenty-eight.

This act to take effect and be in force from and after its passage.

APPROVED, March 20, 1845.

COUNTIES.

AN ACT to attach a portion of Chariton county to Linn county.

	SECTION		SECTION.
Boundary of Chariton county changed	1	Certain territory attached to Linn	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The boundary of Chariton county be and is hereby changed as follows: Beginning where the north line of said county crosses Locust creek, thence down said creek to Grand river.

§ 2. All that portion of territory lying west and north west of said creek, and heretofore being a part of Chariton county, shall be and is hereby attached to and made a part of Linn county.

This act to take effect and be in force from and after its passage.

APPROVED, March 20, 1845.

COUNTIES.

AN ACT supplementary to an act entitled an act to organize the county of Reynolds.

	SECTION.		SECTION.
Governor to appoint certain officers; their term of office	1	Compensation allowed commissioners of the location of the county seat; how paid	3
Clerks, how appointed; their term of office	2		

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Governor is hereby authorized and required to appoint and

commission three discreet persons in said county of Reynolds, as justices of the county court, and one person as sheriff of said county, and the persons so appointed and commissioned shall hold their offices until the next general election, and until their successors are duly elected and qualified.

§ 2. The circuit and county courts, or judge or judges thereof in vacation, shall appoint their clerks, who shall hold their offices until the next general election for clerks, and until their successors are duly elected and qualified.

§ 3. The commissioners appointed by the act to which this is a supplement, for the purpose of locating the seat of justice for said county, shall each receive for his services a compensation of two dollars per day for every day they may be employed in the discharge of their duties aforesaid, to be paid out of the funds belonging to said county, the amount to be ascertained by the affidavit of one or more of the commissioners.

This act to be in force from its passage.

APPROVED, March 24, 1845.

COUNTIES.

AN ACT to define the northern boundary line of Wright county.

SECTION		SECTION	
Northern boundary of Wright county defined	1	for certain purposes; but the citizens thereof not to be taxed in certain cases	2
Certain territory attached to Wright county			

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the northern boundary line of the county of Wright is, and hereafter shall be, as follows: Beginning at the north eastern corner of section twenty-one, in range twelve west, and township thirty-two north, and running thence west to the line between ranges seventeen and eighteen.

§ 2. All that portion of territory lying north of the said northern boundary line of Wright county is hereby attached to the county of Wright, for all civil and military purposes, but the citizens thereof shall not be taxed by the county of Wright, for the purpose of erecting public buildings.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

COUNTIES.

AN ACT amendatory of an act to define the boundaries of Highland county, approved February 17th, 1843.

SECTION.		SECTION.	
Linn county court, not required to pay to Sullivan county the revenue directed to be		paid by Linn county to Highland county, by an act approved Feb. 17, 1843	1

County court of Linn county required to pay over certain revenue, after deducting certain expenditures

2

County court of Sullivan county authorized to draw on treasurer of Linn county for certain moneys

3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of Linn county shall not be required nor compelled to pay over to Sullivan county the revenue directed to be paid over by Linn county to Highland county, by an act entitled "an act to define the boundaries of Highland county," approved Feb. 17th, 1843.

§ 2. The county court of Linn county is hereby authorized and required to pay over to Sullivan county all the revenue which has been or may be collected by said county of Linn, within the territory of Sullivan county, since the 17th February, 1843, after deducting all the expenses of assessing and collecting the same, and all the expenses arising from criminal prosecutions originating within said territory of Sullivan, and all moneys which may have been expended by said county of Linn for internal improvement in said territory.

§ 3. The county court of Sullivan county is authorized and required to draw on the treasurer of Linn county for all moneys to be paid by said county of Linn to Sullivan county, under the provisions of this act.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

AN ACT in relation to Knox county.

Secretary of State required to transmit certain information to county court.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Secretary of State is hereby required to prepare and transmit to the county court of Knox county a copy of the act creating said county, and the supplemental acts thereto, at as early a day as practicable.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

COUNTIES.

AN ACT to change the name of Decatur county.

SECTION. 1
Name of Decatur changed to Ozark,
Laws relating to Decatur county, to be
applied to Ozark county,

2

SECTION. 3
Courts directed to be held in Decatur county, to apply to Ozark county,

3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That all that portion of country known as the county of Decatur, the metes and bounds of which are defined in an act of the General Assembly of the State of Missouri, approved, February 22d, 1843, en-

titled, "an act to change the name of Ozark county," shall be called and known as the county of Ozark.

§ 2. All laws in force relating to the county of Decatur, shall be construed to apply in all respects to the county of Ozark, and all acts and things, done and performed, and contracts made, or which may be done or made before the first day of October next, in the name of the county of Decatur, shall be as valid and binding in that county and all others, as if made or done in the name of the county of Ozark, and all matters and business which are commenced in the name of the county of Decatur, shall be continued in the same name, and all officers, civil or military, appointed, or to be appointed, for the county of Decatur, shall be taken and deemed to be appointed for the county of Ozark, and are hereby authorized to act as such.

§ 3. All courts heretofore established, and directed by law to be held in the county of Decatur, shall in all respects apply to the county of Ozark.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

COUNTIES.

AN ACT concerning Sullivan and Harrison counties.

Justices of the Peace and Constables, in certain cases, to hold their offices until next general election.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Justice of the peace and constable, whose residence, by the establishment of the counties of Sullivan and Harrison, may have fallen within the limits of said counties, or of the territory attached thereto, shall and may, until the next general election, continue to hold and exercise his office within said counties.

This act to take effect from and after its passage.

APPROVED, March 26th, 1845.

COURTS.

AN ACT amendatory and explanatory of an act entitled "an act to fix the time of holding Circuit Courts," approved, February 24th, 1843.

The law in relation to the 3rd Judicial Circuit to extend beyond 1844, and until otherwise arranged by law.

WHEREAS, doubts have arisen whether the third section of the above

recited act makes provision for holding the circuit courts of the third Judicial Circuit, beyond the year eighteen hundred and forty-four; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The second clause of the third section of the above recited act, which fixes the time of holding the circuit courts in the third Judicial Circuit, for the year eighteen hundred and forty-four, shall be so construed as to extend beyond the year eighteen hundred and forty-four, and the circuit courts in said third Judicial Circuit, shall be held in the several counties of said circuit, at the respective times fixed by said act, for the year eighteen hundred and forty-four, until a different time shall be fixed by law.

This act shall take effect and be in force from and after its passage.

APPROVED, Jan. 4, 1845.

COURTS.

AN ACT to authorize the county court of Madison county to use certain papers.

County court of Madison county may use certain ornamental paper for their warrants.

Be it enacted by the General Assembly of the State of Missouri, as follows:

[§ 1.] That the county court of Madison county shall be, and they are hereby permitted to use the ornamented paper that they have on hand at present, in making out their county warrants, &c.

This act to take effect from and after its passage.

APPROVED, Jan. 14, 1845.

COURTS.

AN ACT to authorize the county court of Osage county to divide the county revenue for certain purposes.

SECTION.	SECTION.
County court of Osage may, under certain conditions, divide the county revenue	for certain purposes, Certain matters and acts made legal,
	1 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of Osage county is hereby authorized to divide the county revenue of said county, taking such part thereof as the said court may consider necessary for the express purpose of discharging the outstanding debt against said county for the building of the court house in said county, provided said expressed levy, as above stated, and the bal-

ance of the county levy, does not exceed the State tax more than is now provided by law.

§ 2. That all the proceedings of the superintendant of said building, and the order of said county court, made thereon, are here made legal.

This act to take effect from its passage.

APPROVED, Jan. 24, 1845.

COURTS.

AN ACT to change the time of holding county courts in Scott county.

SECTION.		SECTION.	
County court of Scott to hold six terms annually.	1	First and second day of each term appropriated to certain business,	2

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

§ 1. That six terms of the county court of Scott county shall hereafter be annually held; the respective terms of said court shall commence on the second Monday in January, April, June, August, October and December; the court however may alter the times of holding their stated terms, giving notice thereof in such manner as to them shall seem expedient.

§ 2. First and second days of each term of said court shall be set apart for the transaction of county business.

APPROVED, January 31, 1845.

COURTS.

AN ACT to fix the time of holding the Chariton Circuit Court.

SECTION.		SECTION.	
Time of holding the Chariton circuit court,	1	ever, to be affected by the change,	2
The legality of no process or matters what-		All acts repugnant to this, repealed,	3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The first term of the circuit court for Chariton county, to be held in the year of our Lord, eighteen hundred and forty-five, shall be held on the first Monday in May, in the same year.

§ 2. All writs, process, orders, recognizances and other proceedings made, or to be made returnable to the next term of said court, as heretofore established, shall be held returnable to the first term to be held under this act, and all suits and other matters now pending or which may be pending in said court, shall be proceeded in at the next term of said court, to be held under this act, as the same would have been proceeded in at the next term of said court, as heretofore established, and all sales

of property which would have been made, at the next term of said court, as heretofore established, shall be made in the same manner, and on the same day of the next term to be held under this act.

§ 3. All acts and parts of acts, conflicting with the provisions of this act, are hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 24, 1845.

COURTS.

AN ACT to authorize the county courts of Clay, Ray, Jackson and Lafayette counties, to execute certain trusts.

SECTION.	SECTION.
County courts of Clay, Ray, Lafayette and Jackson counties, empowered to receive a certain bequest, for certain purposes, Said county courts may loan the same. In-	terest—how to be applied, 2 Loan to be secured by bond and mortgage, 3 All orders relating to the "Aull School Fund," to be recorded, &c., 4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the several county courts of Clay, Ray, Lafayette and Jackson be, and they are hereby authorized and empowered to receive from the executors of the will of John Aull, deceased, such sums of money as have been bequeathed by the said will of said Aull to the county courts of said counties, respectively, for the purpose of educating poor children in said counties, and the said money, when received, shall be deposited in the county treasuries of said counties respectively.

§ 2. The county courts of said counties respectively, are hereby authorized and empowered to lend the money so received upon the security of real estate of ample value, and free from encumbrance; at the highest rate of interest allowed by law, and to apply the interest accruing thereon to pay for the tuition of orphan or poor children under the age of sixteen years, residing at or within two miles of the several county seats of said counties respectively.

§ 3. The said county courts, on making any loan out of said fund, shall take the bond of the borrower for the sum loaned, in the name of the treasurer of the county, for the benefit of the "Aull School Fund," and shall take the mortgage upon the real estate accepted as security, conveying the same to the said treasurer, for securing the payment of such bond.

§ 4. The said county courts shall cause to be entered upon the records of said courts, all orders which may, from time to time, be made in respect to loans out of such fund, and security taken therefor, and for the collection of principal or interest, and for the application of the interest to the tuition of any child or children, and generally all orders which may be made in relation to said fund, or any part thereof; the said courts being hereby directed to keep the accounts in relation to said fund, dis-

inct from all other funds under the control of said courts, or in the said county treasuries.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 25, 1845.

COURTS.

AN ACT *granting certain powers to the county court of Ste. Genevieve county.*

SECTION.	SECTION.
County court of Ste. Genevieve may protect the school or road and canal fund from loss, by purchasing property exposed to sale by virtue of law, in certain cases,	Property so purchased, may be sold by the county. All public sales to be made by sheriff—when. No sale valid until approved by court, 2 1 Deed to be made by county court—how, 3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That in all cases where any public sale of real estate shall take place under, and by virtue of any decree of foreclosure of mortgage, judgment or otherwise, when the proceeds of such sale or a portion thereof, shall be due and owing, and payable to the county of Ste. Genevieve, for the use and benefit of the school fund of any township of any county, or of the road and canal fund of said county, or of any other public fund under the control and charge of the county court of said county, it shall be lawful for the said county court to appoint an agent or commissioner to attend such sale, and if necessary, to bid for any such real estate, to buy the same in the name of the county of Ste. Genevieve in order to protect such public fund from loss.

§ 2. That when any real estate shall have been purchased under the preceding section of this act, that the county court of Ste. Genevieve county may, at any time thereafter, sell such real estate either at public or private sale, for such sum and upon such terms as they shall deem most beneficial to the fund to which the same is applicable; all public sales shall be made by the sheriff of the county at the next regular term of the county court, after the term at which the order of sale shall have been made, and no sale shall be valid until approved by the court.

§ 3. That if any such real estate shall be sold at private sale, the county court shall make to the purchaser a deed for the same, which deed shall be signed by a majority of the court and attested by the clerk, and the seal of the court, and shall be made in the name of the county of Ste. Genevieve, as grantor, which deed shall convey to the purchaser all the right, title, claim and interest of the county in and to said premises, the costs and expenses of any purchase or sale, under the provisions of this act, shall be audited by the county court, and paid out of the fund to which the proceeds of such sale are appropriated.

This act to take effect from and after its passage.

APPROVED, Feb. 27, 1845.

AN ACT authorizing the county court of Jackson county to appoint certain road commissioners.

	SECTION		SECTION.
County court to appoint commissioners to review a part of the State road from Independence to Harrisonville,	1	Commissioners to commence the review within ten days after notice of their ap-	3
Oath of the commissioners,	2	pointment,	

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. It shall be the duty of the county court of Jackson county, at their first regular term after the passage of this act, to appoint five disinterested persons, householders of said county, (and not living in the direction which the road runs,) as commissioners, for the purpose of viewing and examining that portion of the State road from Independence to Harrisonville, from a point where the said road crosses Little Blue, in Jackson county, to the entrance of the widow Cornett's lane, as the same is now established by law, and also to examine a proposed change in said road from the point first mentioned to the widow Cornett's, passing by Richard Fristoe's residence; the proposed change being that part of the old county road running from the Mission Ford of Little Blue, to the widow Cornett's.

§ 2. The commissioners appointed under the provisions of this act, shall, before entering upon the duty assigned them, make oath before some judge or justice of the peace, that [they] will faithfully and impartially, without favor or affection, examine the two routes as proposed in the preceding section of this act, and that they will, to the best of their judgment, report in favor of that route which may be most to the public interest, and as little as may be to the injury of any person.

§ 3. The said commissioners shall, within ten days after they are notified of their appointment, proceed to view the said routes, as proposed by the provisions of this act, and shall report their decision to said court at the first term thereafter.

This act to take effect and be in force from and after its passage.

APPROVED, March 12, 1845,

COURTS.

AN ACT establishing a Probate Court in St. Louis county, and for other purposes.

	SECTION.		SECTION.
County court of St. Louis county to consist of seven justices. Residence of said justices. Four to be a quorum. How elected, term of office, &c.	1	Certain acts to apply to the organization &c., of said county court,	5
Powers of said county court,	2	Probate court established. To consist of one judge; Manner of electing said judge. Term of office. Further particulars respecting the election. Vacancies how filled,	6
Powers vested in the probate court,	3		
Compensation of county judges,	4		

Qualifications of judge of probate,	7	Times of holding said court,	13
Powers of the probate court,	8	Powers of said judge in vacation,	14
Certain laws made applicable to said court,	9	What constitutes a misdemeanor in said	
Election for said judge, when to be held,	10	office. Judge may be removed therefor,	15
Seal of court to be obtained, &c.; judge		Where office of said judge to be kept.	
to keep records,	11	Contingent expenses to be paid by the	
Powers of said court,	12	county,	16

Be it enacted by the General Assembly of the State of Missouri as follows:

§ 1. That the county court of the county of St. Louis shall hereafter consist of seven justices, to be styled the justices of the county court, one of whom shall reside in Bonhomme township, one in Carondelet township, one in Central township, one in Merrimack township, one in Florissant township, and two in St. Louis township, in the county of St. Louis, any four of whom shall be a quorum to do business, but a smaller number may adjourn from day to day, and require the attendance of absent members. They shall be elected by the qualified electors of the county of St. Louis, at such time and manner as is now provided for the election of justices of the county court. The justices of the county court of the county of St. Louis, shall hold their offices for the term of four years, and until their successors are duly elected and qualified. The election shall be certified, ties determined, and vacancies filled, in the same manner as is provided by law, in regard to justices of the county court.

§ 2. The county court of the county of St. Louis shall have and possess the following powers: First, to have the control and management of the property, real and personal, belonging to the county. Second, To have full power and authority to purchase or receive by donation any property, real and personal, for the use and benefit of their county. Third, to sell and cause to be conveyed, any real estate, goods and chattels belonging to the county, appropriating the proceeds of such sale to the use of the same. Fourth, to audit and settle all demands against the county.

§. 3. All other powers vested in the county court of the county of St. Louis, by and under the act entitled "an act to establish courts of record, and prescribe their powers and duties," shall be and the same are hereby vested in the probate court hereby established.

§ 4. The justices of the county court of the county of St. Louis, shall be allowed, as compensation for their services as such, two dollars per day each, for each days service, to be paid out of the county treasury.

§ 5. All acts and parts of acts, not repugnant to, nor inconsistent with the provisions of this act, shall apply to the organization, jurisdiction and proceedings of the county court of the county of St. Louis as hereby organized.

§ 6. There shall be a probate court in the county of St. Louis, to be held at the court house in said county, at such times as shall be prescribed by law; the same shall be composed of one judge, who shall be styled the judge of probate of the county of St. Louis. He shall be elected by the qualified electors of the county of St. Louis, and shall hold his office for the term of six years, and until his successor is duly elected and qualified,

unless sooner removed from office. The election shall be certified by the judges and clerks of election, to the clerk of the county court of the county of St. Louis, and in case of a tie between two or more persons, the same shall be determined by the county court. The clerk of the county court shall certify to the Governor the name of the person elected, who shall thereupon commission him as judge of the probate court of the county of St. Louis for the term for which he may have been elected. When a vacancy shall exist in the office of judge of probate of the county of St. Louis, the county court, or a majority of the judges thereof in vacation, may order an election to be advertised and held not more than sixty days thereafter, to elect a judge to fill such vacancy, until the expiration of the term for which the said judge was formerly elected, and until his successor shall be elected and qualified.

§ 7. The judge of probate shall be at least thirty years of age, a citizen of the United States, and shall have resided in the county of St. Louis five years previous to his election or appointment. He shall before entering upon the duties of his office, take an oath like as required to be taken by the judges of the circuit court, and may be removed from office in the same manner, and for the same causes, as any circuit attorney. (a)

§ 8. The probate court of the county of St. Louis shall have and possess all the powers vested in the county court of the county of St. Louis, by the act entitled an act to establish courts of record, and prescribe their powers and duties, which are not hereby reserved to, and retained in the county court of the county of St. Louis.

§ 9. That all laws in force and applicable to the county court of the county of St. Louis, or the clerk thereof, exercising the jurisdiction hereby vested in the probate court established by this act, shall be taken and considered as applicable to the said probate court, unless otherwise herein provided. All acts and parts of acts, not repugnant to, nor inconsistent with the provisions of this act, so far as the same confer jurisdiction and regulate proceedings in matters hereby transferred to the probate court of the county of St. Louis, shall apply to the jurisdiction and proceedings of the probate court hereby established.

§ 10. An election for judge of probate, shall be held on the first Monday in November, eighteen hundred and forty-six, and each subsequent election shall be held on the same day, at the end of every period of six years thereafter. The provisions of an act entitled "an act regulating elections," shall be applicable to the election of judges of probate.

§ 11. The probate court hereby established, shall procure and keep a seal, with such emblems and devices as the judge thereof shall think proper. The court of probate shall be a court of record, and shall keep just and faithful records of its proceedings. (b)

§ 12. The probate court, and the judge thereof, shall have power to issue all writs which may be necessary in the exercise of its jurisdiction

(a) Provision for the fees of the Judge of Probate is made in the act regulating fees.

(b) The provision in relation to the use of the private seal is omitted, as it was supposed it would not be necessary after the judge had furnished himself with a seal.

according to the principles and usages of law. The judge of probate shall not sit on the determination of any cause or proceeding in which he is interested or related to either party, or shall have been of counsel; and such cause or proceeding shall be certified with the original papers to the circuit court of the county of St. Louis, which shall proceed thereon to final judgment and determination, as the probate court might have done.

§ 13. The probate court shall be held on the first Mondays of March, June, September, and December. The probate court may alter the time of holding its stated terms, giving notice thereof in such manner as the judge shall deem expedient. The court of probate may hold adjourned terms.

§ 14. The judge of the court of probate may in vacation do all things in relation to the granting letters testamentary and of administration, which may be done by the clerks of the several county courts of this State. (c)

§ 15. If the judge of probate shall knowingly and wilfully do any act or thing contrary to the duties of his office as prescribed by law, or shall knowingly and wilfully omit or refuse to perform any act, thing, service or duty required of him by the laws of this State, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be removed from office.

§ 16. The judge of probate shall keep his office not more than two hundred yards from the court house, and shall there keep the records, papers, seals, and property belonging to his office, and transact his official business such as may be transacted in vacation. The judge of probate shall be allowed all necessary expenses for office rent, suitable books, stationery, furniture, and other necessities for his office, to be audited by the county court and paid by the county.

APPROVED, March 15, 1845.

COURTS.

AN ACT to establish a probate court in Ste. Genevieve county.

SECTION.		SECTION	
Court of probate established. Election of Judge and term of office. Vacancies, how supplied	1	in certain cases	8
Qualifications of judge of probate	2	Elections of judge of probate, times of	9
Oath of said judge: may be removed for certain causes; fees	3	Certain unfinished business removed from the county to the probate court. Papers and records referring thereto to be delivered to said judge	10
Jurisdiction of said court. Appeal allowed	4	Certain writs, &c. made returnable to probate court	11
Said court a court of record. Records to be kept by judge	5	Misdemeanor in office defined. On conviction thereof judge to be removed	12
Terms of said court, number of. Times of holding them	6	Contingent expenses allowed and paid by the county	13
Said judge a conservator of the peace. Seal to be used. Office where kept	7	Powers of said judge	14
Jurisdiction of said court. Judge not to sit		Certain laws made applicable to said court	15

(c) This section is added, because nothing is found in the law conferring such a power on the judge of probate. It was supposed it would be found convenient in St. Louis, as such a power exists in all the county court clerks in the State.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. There shall be a probate court in the county of Ste. Genevieve, to be held at such time and place as shall be prescribed by law; the same shall be composed of one judge, who shall be styled the judge of probate of Ste. Genevieve county. He shall be elected by the qualified voters of Ste. Genevieve county, and shall hold his office for the term of two years, and until his successor is duly elected and qualified, unless sooner removed from office. The election shall be certified by the judges and clerks of the election to the clerk of the county court of Ste. Genevieve county, and in case of a tie between two or more persons the same shall be determined by the county court. The clerk of the county court shall certify to the Governor the name of the person elected under this act, who shall thereupon commission him as judge of the probate court of the county of Ste. Genevieve for the term for which he may have been elected. When a vacancy shall happen in the office of judge of the probate court of Ste. Genevieve county, the county court, at their next term after such vacancy occurs, shall order a special election, to be advertised and held not more than thirty days thereafter, to elect a judge to fill such vacancy until the expiration of the term for which the judge was formerly elected, and until his successor be elected and qualified.

§ 2. The judge of probate shall be at least twenty-five years of age, a citizen of the United States, and shall have resided in the county of Ste. Genevieve one year previous to his election or appointment.

§ 3. He shall, before entering upon the duties of his office, take an oath like that required to be taken by the judges of the circuit courts, and may be removed from office in the same manner and for the same causes as any circuit attorney. He shall receive such fees for his services as are now allowed by law to the clerk of the county court for like services, to be paid by the parties respectively at whose instance the services are rendered, subject, however, to be taxed as cost against the unsuccessful party, according to law.

§ 4. The probate court of Ste. Genevieve county shall have exclusive original jurisdiction in all cases relative to the probate of last wills and testaments, granting letters testamentary and of administration, and revoking the same, appointing or displacing guardians or curators of orphans, minors, or persons of unsound mind, in binding out apprentices, and in the settlement and allowance of accounts of executors and administrators, guardians and curators, to hear and determine all disputes and controversies whatsoever respecting wills, the right of executorship, administration or guardianship, or respecting the duties or accounts of executors, administrators, guardians or curators, and all disputes or controversies between masters and their apprentices, to hear and determine all suits and other proceedings instituted against executors and administrators, upon any demand against the estate of their testator or intestate, subject to appeal in all cases to the circuit court, in such manner as may be provided by law, and in all proceedings for the assignment of dower

in real and personal estate, subject to an appeal in like manner to the circuit court.

§ 5. The probate court hereby established is hereby declared a court of record, and the judge thereof shall keep true and faithful records of the proceedings of said court.

§ 6. The probate court hereby established shall hold four terms annually, commencing on the first Mondays of March, June, September and December in each year, and may alter the times of holding said court, by giving ten days public notice thereof, and may hold special or adjourned terms at any time when required.

§ 7. The judge of probate shall be [a] conservator of the peace, and in all cases when it shall be necessary to authenticate any copy of record, or other proceedings, the said judge of probate may use his private seal until a seal of office is provided, and shall keep his office at the county seat.

§ 8. The judge of the said probate court shall have power to issue all writs which may be necessary in the exercise of its jurisdiction, according to the usage and principles of law. No judge of probate shall sit on the determination of any cause or proceeding in which he is interested or related to either party. Such cause or proceeding shall be certified to the county court, and said county court shall proceed thereon as the probate court might have done.

§ 9. The first election of judge of probate shall be held on the first Monday of August next, and on the first Monday in August eighteen hundred and forty-six, and each subsequent election on the same day at the end of every period of two years thereafter.

§ 10. All process, proceedings, matters and business, the jurisdiction of which is by this act vested in the probate court, and which may be pending in the county court, as heretofore organized, at the taking effect of this act, shall be and the same is hereby removed into the probate court for final judgment, decision, order, decree and adjudication, and it shall be the duty of the county court of the county of Ste. Genevieve, and of the clerk thereof, immediately after the taking effect of this act, to deliver to the judge of the probate court hereby established, all papers, books, documents, and other things relating to any matter, the jurisdiction whereof is or shall be vested in the said probate court, together with all records which exclusively concern or relate to the jurisdiction transferred to said probate court.

§ 11. All writs, process and notices, made or to be made returnable to the county court next after the taking effect of this act, relating to matters and things made cognizable by this act in the probate court, shall be returnable to the first term of the probate court, to be held under this act.

§ 12. If the judge of probate shall knowingly and willingly do any act or thing contrary to the duties of his office, as prescribed by law, or shall knowingly and willingly omit or refuse to perform any act, thing, service, or duty required of him by the laws of this State, he shall be deemed guilty of misdemeanor in office, and on conviction thereof shall be removed from office.

§ 13. The judge of probate shall be allowed all necessary expenses for suitable books, stationary, furniture, and other necessities for his office, to be audited by the county court and paid by the county.

§ 14. The judge of probate shall have power to solemnize marriage contracts, grant, hear and determine writs of habeas corpus, and grant injunctions returnable to the circuit court; in the same manner as county courts may now do, take and certify the proof and acknowledgment of deeds, conveyances, and other instruments of writing.

§ 15. The probate court of Ste. Genevieve county shall have and possess all the power, and be governed by the same laws that govern the county court, so far as the same are applicable.

This act shall take effect and be in force from and after the first Monday in August, or as soon thereafter as the judge of probate is elected and qualified.

APPROVED, March 19, 1845.

COURTS.

AN ACT to legalize the acts of the county court of Van Buren county.

	SECTION		SECTION
Certain acts of county court of Van Buren, relating to their three per cent. fund, legalized	1	powers of said county court and treasurer in relation to the payment of said bond and interest	3
County court to execute a certain bond to the State	2	This act to be null unless desired by a majority of the county	4
Interest on said bond, rate of. Duties and			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That all the proceedings, acts and orders of the county court of Van Buren county, made in relation to the three per cent. fund of said county, by issuing a warrant for the sum of four hundred and nineteen dollars, to be paid by the treasurer of said county, at their November term in the year eighteen hundred and forty-one, are hereby declared good and sufficient in law, and the same are hereby confirmed and legalized, any law to the contrary, notwithstanding.

§ 2. The county court of said county shall, after this act takes effect, as shall be hereinafter provided, cause the bond of the county to be executed, payable to the State of Missouri, for the sum of four hundred and nineteen dollars, with the interest at the rate of ten per cent. from the time said warrant was issued by said court, until this act takes effect, for the use of the three per cent. fund of said county, which bond shall be signed by the presiding judge of the county court of said county, and attested by the seal of said court.

§ 3. Such bond shall bear interest at the rate of ten per cent. per annum, and shall be delivered to the treasurer of said county, who shall be charged therewith, and the clerk shall keep full and fair account of such bond, and once in each year the said county court shall adjust said account, liquidate the same, and pay the interest thereon or issue new bond for the same, and said county court shall have power to levy a special tax for the purpose of

refunding the said money whenever they shall think that the interest of the county shall require the same to be done.

§ 4. That this act shall not be in force unless a majority of the tax-payers of said county shall petition the county court of said county to issue the bond, according to the provisions of this act, on or before the first day of January, 1846.

APPROVED, March 24, 1845.

COURTS.

AN ACT to authorize the Monroe county court to appoint an Attorney.

	SECTION.		SECTION.
County court of Monroe may appoint a county Attorney,	1	Oath to be taken,	3
Duties of said Attorney,	1-2	Compensation. To be paid by county:	
Clerk's certificate of appointment to be evidence of said Attorney's authority.		Attorney not required to act in certain cases,	4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of Monroe county is hereby authorized and empowered to appoint once in each year, for the term of twelve months, if they think the interest of the county requires it, a county attorney, who shall reside at the seat of justice in said county. It shall be his duty to institute and prosecute all suits that may be necessary to be brought, in the name or for the use of said county, or in which said county may be interested.

§ 2. It shall be the duty of said attorney to represent said county in all matters of law, in which it shall be interested; to investigate all claims against the county; to prepare all contracts relating to the business of said county, and whenever called upon by the county court or any member thereof, to give his advise on any legal subjects in which said county is interested, gratuitously, to said court or member, and in writing, if demanded.

§ 3. When said attorney is appointed, he shall receive from the clerk of said county court, under the seal thereof, a certified copy of said appointment, which shall be evidence of his authority to act under this law; and said attorney shall moreover take the oath of office prescribed by law.

§ 4. The county court may allow to such attorney such compensation as the court may think reasonable to be paid as other demands against the county; provided, however, that nothing in this act shall be so construed as to compel the services of said attorney in any criminal prosecution, or in the prosecution of any recognizance in any criminal case in said county.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

AN ACT to provide for the times of holding courts in Reynolds county.

Times of holding the county courts of Reynolds.

Be it enacted by the General Assembly of the State of Missouri, as [follows:]

§ 1. That the first term of the county court of Reynolds county shall be held on the first Monday in May, 1845, and once in every three months thereafter.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

COURTS.

AN ACT relating to the duties of the County Court of Boone county.

SECTION	SECTION
A majority of the voters of Columbia objecting, county court to grant no dram-shop license within said town, — 1	Authority of the corporation to tax dram-shop licenses, limited, 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of Boone county shall grant no license to any person to keep a dram-shop within the corporate limits of the town of Columbia, if a majority of the heads of families, including the qualified voters in said town, shall remonstrate to said court against the granting of any such license.

§ 2. The corporate authorities of the town of Columbia shall possess equal power and discretion with the county court to tax licenses to dram-shop keepers for State purposes and no more.

This act to take effect from its passage.

APPROVED, March 26, 1845.

COURTS.

AN ACT to establish a Court of Common Pleas in the city of Hannibal.

SECTION	SECTION
Hannibal court of common pleas established; declared a court of record, 1	Jurisdiction of said circuit court and said court of common pleas, 9
Place of holding said court, 2	Power and jurisdiction of said circuit court, 10
Powers and jurisdiction thereof, 2-3	Certain laws made applicable to said court of common pleas, 11-12-13
Powers of judge thereof, 4	Circuit court to have control over, and appellate jurisdiction from said common pleas: but no appeal or writ of error to stay execution, &c., 41
Writs of injunction granted by said court, returnable to circuit court, 5	
No change of venue hereafter to be allowed from Marion county, except in certain cases, 6-7-8	

Appeal may be taken directly from common pleas to supreme court,	15	Judge, meantime, to appoint a clerk ; his term of office,	26
Powers, &c., of the supreme court and judges in such, case,	16	Clerk to procure a seal. His residence,	27-28
Certain laws made applicable to circuit court, in cases of appeal thereto : but no stay of execution allowed,	17	Number of terms and times of holding said court,	29
Common pleas to be held by one judge. His appointment, qualifications, and term of office,	18-19	Sales under execution of real estate, to be held during term time. Certain laws applicable. Sheriff's deeds acknowledged and recorded, how,	30
Vacancies in said office, how filled,	20	Sheriff of Marion shall have charge of all writs, &c., from said court,	31
Compensation of said judge,	21	Sh'ff to have a deputy residing in Hannibal,	32
Office of clerk of said court established. Qualifications, &c., duties, fees, &c., of said clerk,	22-23	Appeals from justices courts, not affected by this act,	33
Certain laws made applicable to said clerk and his securities,	24	This act not to affect suits already begun in circuit court, &c.,	34
Time of first election for said clerk,	25	Expenses of establishing said common pleas, paid by citizens of Hannibal,	35

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. A court of record, to be called the Hannibal Court of Common Pleas, is hereby established within and for the county of Marion, which shall possess the powers, perform the duties, and be subject to the restrictions of a court of record according to the laws of this State.

§ 2. Said court shall be held within the city of Hannibal, and within said county of Marion, shall have power and jurisdiction (subject to the provisions of the next section) as follows: *First*, Concurrent original jurisdiction with the circuit court in all civil actions *ex contractu* not cognizable before a justice of the peace, where the matter in controversy shall not exceed one thousand dollars exclusive of interest. *Second*, Concurrent original jurisdiction with the circuit court in all actions by and against boats and vessels (not cognizable before a justice of the peace,) where the matter in controversy shall not exceed one thousand dollars. *Third*, Concurrent original jurisdiction with the circuit court in all actions of trespass, or trespass on the case for injuries to persons or property, and all actions of trover, detinue, replevin, libel, or slander, where the damages claimed on property, or property sued for, does not exceed one thousand dollars in amount or value. *Fourth*, Concurrent original jurisdiction with the circuit and county courts in actions against executors and administrators, upon any demand against their testator intestate, where such demand is not exclusively cognizable before the county court, or does not exceed one thousand [dollars] exclusive of interest. *Fifth*, Concurrent jurisdiction with all justices of the peace, in and for Mason township in said county of Marion, in all civil actions not exclusively cognizable before a justice of the peace, where any defendant resides within the city of Hannibal.

§ 3. No action cognizable before the court of common pleas, hereby established, shall be brought in the Marion circuit court, against any person who resides in the corporate limits of the city of Hannibal aforesaid, nor shall any person who resides in Marion county, and out of the corporate limits of the city of Hannibal, be sued in the said court of common pleas: *Provided, however*, that where there are more defendants than one, some of whom reside in the corporate limits of the city of Hannibal, and the

others out of it, suit may be brought in either the court of common pleas or circuit court, at the plaintiff's option.

§ 4. The judge of said court of common pleas shall be a conservator of the peace throughout the county of Marion, and shall have like powers in relation to suits, process, and proceedings in said court, as a circuit judge by law has in like cases in the circuit court: he may grant writs of injunctions, and take and certify the acknowledgment and proof of deeds, conveyances, and other instruments of writing; administer oaths, issue writs of *habeas corpus*, and hear and determine the same, in the same manner, and with like effect, as a judge of the circuit court.

§ 5. All writs of injunction granted by the judge of the court hereby established, shall be returnable to the circuit court.

§ 6. Hereafter no change of venue shall be allowed in any civil suit in the circuit court for the county of Marion, or the court hereby established, for the cause that the judge is interested or prejudiced, or is related to, or has been counsel for, or is under the undue influence of either party, except in the cases hereinafter provided for.

§ 7. Whenever any of the causes specified in the preceding section shall exist in any civil suit pending in either of the said courts, the same shall be certified to the other, in the same manner, and with like effect, as in the case of a change of venue from the circuit court of one county to that of another, except in the cases provided for in the next section.

§ 8. A change of venue shall be allowed in any civil case in either of said courts for either of the causes specified in the 6th section, if any one of said causes exist as to the judges of both said courts. It shall also be allowed in the circuit court in all cases which shall have been removed from the court hereby established, by appeal or writ of error, when either of said causes exist as to the judge of the circuit court.

§ 9. The circuit court and said court of common pleas, shall have jurisdiction to hear and determine all civil cases at law and in equity, which shall be transferred to them respectively, according to the foregoing provisions, and shall proceed to final judgment and execution, although such case would not be otherwise cognizable therein.

§ 10. All causes in which a change of venue shall be awarded by the circuit court of any other county to the county of Marion, shall be certified and transferred to the circuit court as heretofore; and the said circuit court shall have power and jurisdiction to hear and determine the same, and shall proceed to final judgment and execution, although such case would not otherwise be cognizable therein, under the provisions of this act.

§ 11. The practice, process, and proceedings in the court hereby established, shall be the same in all respects as is or may be provided by law for the government of the circuit court, except as is otherwise herein specially provided, and the lien of the judgments of the said court of common pleas shall be the same as that of the judgments of the circuit courts.

§ 12. In all suits or actions brought in said court of common pleas, process shall be served upon the defendants, and causes shall stand for trial, in the same manner and time as is now or may be prescribed by law for the circuit courts.

§ 13. The court shall have power to prescribe by rule the times of plead-

ing, and shall have the same power as the circuit courts, to regulate its practice, process and proceedings in other respects.

§ 14. The circuit court of Marion county shall have a superintending control over the said court of common pleas, and appellate jurisdiction from its final judgments and decisions by appeal or writ of error, which shall be allowed and prosecuted, in the manner and with the effect prescribed by law, in cases of appeal or writ of error from the circuit [court] to the supreme court, except that no such appeal or writ of error shall in any case operate as a *supersedeas* or stay of execution, or other proceedings on the judgment or decision of the court of common pleas.

§ 15. In all cases of final judgment or decision of the said court of common pleas, appeals and writs of error may be allowed and prosecuted directly to the supreme court, in the manner and with the effect, in all respects, as is or may be provided by law in cases of such appeal or writ of error from the circuit to the supreme court in civil cases.

§ 16. The power, practice and proceedings of the supreme court and the judges thereof in cases of appeal or writ of error, and in all other matters touching the judgments and decisions, process and proceedings of the said court of common pleas, shall be the same in all respects as is provided by law in like cases in respect to the circuit court.

§ 17. In all cases which shall be removed to the circuit court from the said court of common pleas, by writ of error or appeal, the circuit court shall proceed as is or may be provided by law for the government of the supreme court on appeals or writs of error in civil cases, except that no stay of execution shall be allowed.

§ 18. The Hannibal court of common pleas shall be held by one judge, who shall be appointed in the same manner as judges of the circuit court are appointed.

§ 19. Such judge shall possess the qualifications of a circuit judge, shall hold his office for the term of six years, and until his successor is appointed and qualified, but may sooner be removed from office for the like causes, and in the same manner, as a circuit judge.

§ 20. If a vacancy shall happen or exist, from any cause, in such office, in the recess of the General Assembly, the Governor shall appoint some competent person to supply such vacancy, who shall hold his office until a successor is duly commissioned and qualified.

§ 21. The compensation of such judge shall be two hundred dollars a year, payable out of the State treasury quarter yearly, in the same manner as the salaries of circuit judges: and also, as fees, the sum of one dollar on each final judgment in all cases, to be taxed as other costs against the unsuccessful party: *Provided*, That no such fee shall be taxed against any defendant not residing within the corporate limits of Hannibal, at the time of the institution of the suit in which such judgment is rendered.

§ 22. There shall be a clerk of the court hereby established, who shall possess the qualifications of a clerk of a circuit court; he shall be elected in the same manner, and for the same term; and all vacancies in his office shall be supplied in the same manner, as in cases of a clerk of a circuit court.

§ 23. Such clerk shall take the like oath, give the like bond, be governed by the same laws, and perform the like duties in relation to the business of

the court and his office, and the records and proceedings appertaining thereto, as clerks of the circuit court, and with like accountability; he shall receive for his services the fees prescribed by law for clerks of the circuit court in like cases.

§ 24. The act regulating clerks, approved the thirteenth day of February, eighteen hundred and thirty-five, and all other laws relating to the clerks of the circuit courts and their securities, shall be construed to extend to the said clerk of the court of common pleas and his securities, to all intents and purposes, as if they had been expressly included therein, unless otherwise provided in this act.

§ 25. At the time of holding elections for clerks of other courts in the county of Marion in the year eighteen hundred and forty-seven, a clerk of the court hereby established shall be chosen, whose term shall commence immediately after his election, and shall continue until his successor is elected and qualified.

§ 26. The judge of the court established hereby shall, immediately upon entering upon the duties of his office, appoint a clerk, who shall continue in office until his successor is elected and qualified according to the preceding section.

§ 27. The clerk of said court shall procure a seal with such emblems and devices as shall be prescribed by the judge thereof, as the seal of said court, and the expenses thereof shall be paid as in like cases.

§ 28. Said clerk shall reside within the city of Hannibal, or within one half mile of the corporate limits thereof.

§ 29. Said court of common pleas shall hold two terms in each year, in the city of Hannibal, to commence on the first Mondays in June and November.

§ 30. Sales of real estate situate in the county of Marion, taken by execution by any officer under a judgment of the court hereby established, shall be exposed to sale during the term of the said court, the officer making such sale complying in all other respects with the laws in force, regulating sales of real estate taken in execution; and the deed to be executed by the officer making such sale, may be acknowledged before the court of common pleas, and, being so acknowledged, shall be certified and recorded in like manner as such deeds acknowledged before the circuit court, and they, or a copy thereof, or of the record, certified by the recorder, shall have like faith and effect as if the same were acknowledged before the circuit court.

§ 31. The sheriff of Marion county, or his deputies, shall have charge of all writs, executions, and other process issued from the court hereby established, and shall perform the like duties relating thereto, as is or may be required by law in similar cases in the circuit court, receiving the same fees, and with like accountability.

§ 32. It shall be the duty of the sheriff of Marion county to have at least one deputy residing in the city of Hannibal.

§ 33. This act shall in no manner affect appeals from justices courts, but the same shall be taken to the circuit court as heretofore.

§ 34. This act shall have no effect upon suits heretofore instituted in the Marion circuit court, and suits may be brought in said circuit court as here-

tofore, until a clerk of the court hereby established has been duly appointed and qualified.

§ 35. All expenses which may be incurred in the establishment of said court of common pleas, shall be paid by the citizens within the corporate limits of said city of Hannibal.

This act to take effect from and after its passage.

APPROVED, March 27, 1845.

COURTS.

AN ACT to establish a Probate Court in Dade county.

SECTION.		SECTION.	
A Probate Court established in Dade county. Composed of one Judge, who shall be elected. Election—how held and certified. Vacancies in office of Judge—how filled, 1 Qualifications of said Judge, 2 He shall take an oath. May be removed, how and for what causes—fees allowed him, &c., 3 Jurisdiction of said court. Appeal lies to circuit court, 4 Said court a court of record. Judge to keep records, 5 Number of terms to be held. Times of holding them, &c., 6		Powers of said Judge, 7-8	
		Times of election of said Judge, 9	
		Jurisdiction of said court on certain unfinished business in the county court. County clerk to furnish said Judge with certain papers, &c., 10	
		Certain writs, &c., issued by county court to be returnable to Probate Court, 11	
		Misdemeanor of said Judge defined. May be removed therefor, 12	
		Contingent expenses of said Judge to be paid by county, 13	
		Said Judge to possess certain powers, 14	
		Said court to possess certain powers. Time this act shall take effect, 15	

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. There shall be a probate court in the county of Dade, to be held at such time and place as shall be prescribed by law; the same shall be composed of one Judge, who shall be styled the Judge of Probate of Dade county; he shall be elected by the qualified voters of Dade county, and shall hold his office for the term of two years, and until his successor is duly elected and qualified, unless sooner removed from office; the election shall be certified by the judges and clerks of election to the clerk of the county court of Dade county, and in case of a tie between two or more persons, the same shall be determined by the county court; the clerk of the county court shall certify to the Governor the name of the persons elected under this act, who shall thereupon commission him, as Judge of the Probate court of the county of Dade, for the term for which he may have been elected; when a vacancy shall happen in the office of Judge of the Probate Court of Dade county, the county court, at their next term after such vacancy occurs, shall order a special election, to be advertised and held not more than thirty days thereafter, to elect a Judge to fill such vacancy, until the expiration of the term for which the Judge was formerly elected, and until his successor be elected and qualified.

§ 2. The Judge of Probate shall be at least twenty-five years of age, a

citizen of the United States, and shall have resided in the county of Dade one year previous to his election or appointment.

§ 3. He shall, before entering upon the duties of his office, take an oath like that required to be taken by the Judges of the circuit court, and may be removed from office in the same manner, and for the same causes, as any circuit attorney; he shall receive such fees for his services as are now allowed by law to the clerk of the county court for like services, to be paid by the parties respectively, at whose instance the services are rendered; subject, however, to be taxed as cost against the unsuccessful party according to law.

§ 4. The probate court of Dade county shall have exclusive original jurisdiction in all cases relative to the probate of last wills and testaments; granting letters testamentary and of administration, and revoking the same; appointing or displacing guardians or curators of orphans, minors, or persons of unsound mind; in binding out apprentices; and in the settlement and allowance of accounts of executors, administrators, guardians and curators; to hear and determine all disputes and controversies whatsoever, respecting wills, the right of executorship, administration, or guardianship, or respecting the duties or accounts of executors, administrators, guardians or curators, and all disputes and controversies between masters and their apprentices; to hear and determine all suits and other proceedings instituted against executors and administrators, upon any demand against the estate of the testator or intestate, subject to appeal, in all cases, to the circuit court, in such manner as may be provided by law; and in all proceedings for the assignment of dower in real and personal estate, subject to appeal, in like manner, to the circuit court.

§ 5. The probate court hereby established, is hereby declared a court of record, and the Judge thereof shall keep true and faithful records of the proceedings of said court.

§ 6. The probate court hereby established, shall hold four terms annually, commencing on the first Mondays in March, June, September, and December, in each year; and may alter the terms of holding said court by giving ten days public notice thereof; and may hold special or adjourned terms at any time when required.

§ 7. The Judge of Probate shall be a conservator of the peace, and in all cases when it shall be necessary to authenticate any copy of records, or other proceedings, the said Judge of Probate may use his private seal, until a seal of office is provided, and shall keep his office at the county seat.

§ 8. The Judge of the said Probate court shall have power to issue all writs which may be necessary in the exercise of its jurisdiction, according to the usages and principles of law; no Judge of Probate shall sit on the determination of any cause or proceeding in which he is interested, or related to either party; such cause or proceeding shall be certified to the county court, and said county court shall proceed thereon as the probate court might have done.

§ 9. The first election of Judge of Probate shall be held on the first Monday of August next, and on the first Monday of August, eighteen

hundred and forty-six, and each subsequent election on the same day, at the end of every period of two years thereafter.

§ 10. All process, proceedings, matters and business, the jurisdiction of which is, by this act, vested in the probate court, and which may be pending in the county court, as heretofore organized at the taking effect of this act, shall be and the same is hereby removed into the probate court for final judgment, decision, order, decree, and adjudication; and it shall be the duty of the county court of the county of Dade, and of the clerk thereof; immediately after the taking effect of this act, to deliver to the Judge of the Probate court hereby established, all papers, books, documents, and other things relating to any matter, the jurisdiction whereof is, or shall be, vested in the said probate court, together with all records which exclusively concern, or relate to the jurisdiction transferred to said probate court.

§ 11. All writs, process and notices, made or to be made, returnable to the term of the county court, next after the taking effect of this act, relating to matters and things made cognizable by this act in the probate court, shall be returnable to the first term of the probate court, to be held under this act.

§ 12. If the Judge of Probate shall knowingly and wilfully do any act or thing contrary to the duties of his office as prescribed by law, or shall knowingly and wilfully omit or refuse to perform any act, thing, service or duty, required of him by the laws of this State, he shall be deemed guilty of a misdemeanor in office, and on conviction thereof shall be removed from office.

§ 13. The Judge of Probate shall be allowed all necessary expenses for suitable books, stationary, furniture and other necessities for his office, to be audited by the county court and paid by the county.

§ 14. The Judge of Probate shall have power to solemnize marriage contracts, grant, hear and determine writs of *habeas corpus*, and grant injunctions returnable to the circuit court, in the same manner as county courts now do; take and certify the proof and acknowledgment of deeds, conveyances, and other instruments of writing.

§ 15. The probate court of Dade county shall have and possess all the power, and be governed by the same laws that govern the county courts, so far as the same are applicable.

This act shall take effect and be in force from and after the first Monday in August next; or as soon thereafter as the Judge of Probate is elected and qualified.

APPROVED, March 27, 1845.

AN ACT to authorize Edward Berry, of Henry county, to build a mill dam across South Grand River.

SECTION		SECTION	
Edward Berry may build a dam across South Grand River. Construction of dam,	1	Said Berry liable for damages in certain cases,	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. It shall be lawful for Edward Berry to build, keep and maintain a dam across the South Grand River, in Henry county, at the point where the said river passes through the lands of the said Berry, for the purpose of propelling mills and machinery, and said dam shall be so constructed; by being made lower in the middle than at each end, as to throw the main current of the river to the centre of the dam, with an apron thirty feet wide, and at least four feet below the dam for every foot the dam is high, so as to render the passage of boats and other water craft entirely safe, and said slope or apron shall be so constructed as confine the water on the slope while passing over.

§ 2. If the land of any individual should be overflowed or injured by the backwater, in consequence of the existence of such dam, he may apply to the circuit court, and obtain a writ of "*ad quod damnum*," to summon a jury to assess the damages by him sustained in consequence of such dam, and the proceeding shall be had under the direction of the court, and if any damages be assessed, judgment shall be rendered against said Berry for the amount thereof.

This act to take effect from and after its passage.

APPROVED, Jan. 8th, 1845.

DAMS.

AN ACT to authorize Abraham Harris to erect a dam across the river One Hundred and Two.

SECTION.		SECTION.	
Abraham Harris, may build a dam across the river 102.	1.	Redress for persons aggrieved.	2.
		This act liable to alteration or repeal.	3.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Abraham Harris, is hereby authorized to build, keep and maintain a dam across the river One Hundred and Two, upon the north-east quarter of section fourteen in township fifty-nine, of range thirty-five, in the county of Andrew, for the propulsion of mills and machinery.

§ 2. If the land of any individual shall be overflowed by the backwater, in consequence of such dam, or the health of the neighborhood be annoyed, or the rights of property of individuals be in any otherwise injured or affected thereby, the person or persons aggrieved, may petition the circuit

court of said county, and such proceedings shall be had, as is required by an act entitled, "An Act concerning mills and mill dams."

§ 3. This act shall be liable to modification or repeal by the Legislature of the State, for the purpose of improving the navigation of said river or other purpose, at any time.

This act to take effect from and after its passage.

APPROVED, Jan. 8, 1845.

DAMS.

AN ACT authorizing C. Waldo to build a dam on Sac river.

SECTION.
Calvin Waldo, &c. may build a dam
across Sac river, construction of said dam. 1.

SECTION.
Redress for injured persons, 2.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That it shall be lawful for Calvin Waldo, of St. Clair county, or his legal representatives to build, keep and maintain a dam for the purpose of propelling mills or machinery, across Sac river, in the east half of section seven of township thirty-seven north, range twenty-five west, and said dam shall be so constructed as to throw the currents of the stream upon an apron forty feet wide, and at least four feet long for every foot the dam is high, and said slope or apron shall be so constructed as to confine the water on the slope while passing over, so as to enable boats and vessels to pass over the same, unobstructed by the erection of such dam.

§ 2. If the land of any individual shall be overflowed or injured by the backwater, in consequence of the existence of such dam, he may apply to the circuit court, and obtain a writ of ad quod damnum, to summon a jury to assess the damages by him sustained, in consequence of such dam, and the proceedings shall be had under the direction of the court, and if any damages be assessed, judgment shall be rendered against said Waldo, for the amount thereof.

This act to take effect from and after its passage.

APPROVED January 27, 1845.

DAMS.

AN ACT to legalize the erection of a dam across Cawskin or Elk river.

SECTION.
The dam across Cawskin or Elk river, built
by H. Holms and J. H. Wallace, now own-
ed by W. Vestel, legalized under certain
conditions 1

SECTION
Failing to comply with said conditions, ow-
ner liable to forfeiture and for damages 2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the mill dam erected by Harvey Holmes and James H. Wallace, across Cowskin or Elk river, about eight miles below the junction of the two Sugar creeks, in the county of Newton, and which dam is now owned by William Vestel, be and the same is hereby legalized, provided the owner or owners of said dam shall leave a sluice or slope, at least twenty feet wide, in the middle of said dam; and immediately below said slope or passage, and adjoining the dam, a sloping apron shall be made, at least four feet in length for every foot high said dam may be, at the place where said passage may be made, and the dam where said slope is made shall not be raised higher than five feet.

§ 2. If the present owner of said dam, or his legal assigns, shall fail to keep said slope and apron in repair, he or they shall forfeit and pay three dollars for every thirty days the same may be out of repair, to be recovered by action of debt, for the use of the county, and shall likewise be liable in damages to any person injured by reason thereof, to be recovered before any court of competent jurisdiction.

This act to take effect from and after its passage.

APPROVED, Feb. 1, 1845.

DAMS.

AN ACT to authorize Cecil D. Ball to erect a mill dam across Little Osage river.

Cecil D. Ball may erect a mill dam across Little Osage river, under certain conditions

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Cecil D. Ball, of Bates county, is hereby authorized and empowered to erect a mill dam across Little Osage river, ten feet high, at the same place where said Ball's mill dam now stands, for the purpose of propelling a grist mill, saw mill, and other manufacturing machinery. Provided that by the erection of such mill dam the land or tenements of any individual or individuals shall not be overflowed, or the health of the neighborhood materially annoyed.

APPROVED, Feb. 22, 1845.

DAMS.

AN ACT to authorize Isaac Waymire to erect a mill dam.

SECTION.	SECTION.
Isaac Waymire may build a dam across the river 102	Redress for injured persons 2 This act may be altered or repealed 3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Isaac Waymire is hereby authorized to erect, keep and maintain a dam across the river One Hundred and Two, in the county of Buchanan, for the propulsion of mills and other machinery, upon the south-west quarter of section six, in township fifty-seven, of range thirty-four.

§ 2. If any person or persons shall be injured by said dam, either by overflowing of back water, or otherwise, such person or persons may petition the circuit court of said county for a writ of *ad quod damnum*, and such proceedings shall be had thereon as required by an act entitled an act concerning mills and mill dams.

§ 3. This act shall be liable to repeal or modification by the legislature at any time.

This act to be in force from its passage.

APPROVED Feb. 25th, 1845.

DAMS.

AN ACT to authorize George Hobson and Stephen Hobson to erect a dam across the river 102, and Isaac A. Laning a dam across Platte river.

	SECTION		SECTION.
George and Stephen Hobson may build a	1	Platte river	2
dam across the river 102		Redress for injured persons	3
Isaac A. Laning may build a dam across		This act may be altered or repealed	4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That George Hobson and Stephen Hobson be and they are hereby authorized to erect, keep and maintain a dam across the river One Hundred and Two, in Andrew county, for the propulsion of mills and other machinery, upon the south-east quarter of section number twenty-six, in township number sixty, of range number thirty-five.

§ 2. That Isaac A. Laning be and he is hereby authorized to erect, keep and maintain a dam across Platte river, in Andrew county, for the propulsion of mills and other machinery, upon the south-east quarter of section number fifteen, in township number sixty, of range number thirty-four.

§ 3. Should any person or persons be injured by the erection of said dams, or either of them, such person or persons may petition the circuit court of the county in which they shall be situate for a writ of *ad quod damnum*, and the like proceedings shall be had as under such writs are required by an act entitled "An act concerning mills and mill dams," approved March 14, 1835.

§ 4. This act may be modified or repealed at any time hereafter by the Legislature, should it be deemed necessary to improve the navigation of said river.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 25, 1845.

D A M S.

AN ACT to authorize Woods, Estill, and Hughes, to erect a dam across Platte river.

SECTION.	SECTION.
Woods, Estill, and Hughes, may build a dam across Platte river, under certain conditions. 1.	Redress for injured persons. 2. Plan of said dam, if necessary, to be altered. 3.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Archibald Woods, James Estill, and R. Hughes, be, and they are hereby authorized to erect, keep and maintain a dam across Platte river, in Platte county; for the propulsion of mills and other machinery, at a point where the said Woods, Estill, and Hughes, are now erecting a dam, and from one to two miles below, where the road now crosses said river, leading from Weston to Plattsburg, provided the dam shall not cause the overflow of the backwater, so as to materially injure the health of the neighborhood, and provided further that said dam shall not be so constructed as to cause the backwater to injure the mills now in progress of erection on said river, by Johnson and Swain.

§ 2. Should any person be injured by the erection of said dam, such person may petition the circuit court of Platte county, for a writ of ad quod damnum, and the like proceedings shall be had, as under such writs are required by an act entitled an act, concerning mills and mill dams, approved March 14th, 1835.

§ 3. Should it become necessary for the navigation of Platte river,, said dam shall be so modified as to be lower in the middle of the river, and a slope or apron suitably attached and extending down stream, at least four feet for each foot the dam shall be in height, so as to render the navigation safe and easy.

This act shall be in force from and after its passage.

APPROVED, Feb. 27, 1845.

DAMS.

AN ACT to authorize Johnson and Swain, to erect a dam across Platte river.

SECTION.	SECTION.
Johnson & Swain may, under certain conditions, build a dam across Platte river. 1.	Redress for injured persons. 2. Plan of dam to be altered if necessary. 3.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That John H. Johnson, and George W. Swain, be and they are hereby authorized to erect, keep and maintain a dam across Platte river, in Platte county, for the propulsion of mills and other machinery, at a point

near where the State road from Weston to Plattsburg, now crosses said river, and where the said Johnson and Swain are now erecting the same—provided the dam shall not cause the overflow of backwater, so as to materially injure the health of the neighborhood, and provided further, that said dam shall not be so constructed as to cause the backwater to injure Whitsons' mills.

§ 2. Should any person be injured by the erection of said dam, such person may petition the circuit court of Platte county, for a writ of ad quod damnum, and the like proceedings shall be had as under such writs are required by an act entitled "An Act concerning mills and mill dams," approved March the 14th, 1835.

§ 3. Should it become necessary for the navigation of Platte river, said dam shall be so modified as to be lower in the middle of the river, and a slope or apron suitably attached and extending down stream at least four feet for each foot the dam shall be in height, so as to render the navigation safe and easy.

This act shall be in force from and after its passage.

APPROVED, Feb. 27, 1845.

DAMS.

AN ACT supplementary to an act entitled, "an act to authorize Woods, Estill, and Hughes, to erect a dam across Platte river," and supplementary to an act entitled, "an act to authorize Johnson and Swain to erect a dam across Platte river," both approved February twenty-seventh, eighteen hundred and forty-five.

	SECTION.
Circuit court of Platte county to decide whether Woods, Estill, and Hughes, or Johnson and Swain, shall build a dam, &c. across Platte river.	1.

	SECTION.
Damages to be decreed.	2.
Costs to be decreed.	3.
Appeal, writ of error, &c. allowed.	4.
Act to take effect from its passage.	5.

Whereas the General Assembly of the State of Missouri, by the acts recited in the title hereof, granted the privilege to Archibald Woods, James Estell, and R. Hughes, and also John H. Johnson, and George W. Swain, to erect dams across the Platte river, for the propulsion of mills and other machinery, at the places in said acts specified: And whereas, it has become manifest that the said Woods, Estill, and Hughes, of the one part, and the said Johnson and Swain of the other part, cannot each enjoy the privileges in said acts granted, and that it is necessary, that one of the parties alone shall retain such privilege; therefore that equity and right may be done in the premises:

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The circuit court of Platte county setting as a court in chancery, shall be and is hereby vested with full authority, jurisdiction and power, by proper bills and answers in equity, to adjudge, hear and determine,

according to equity and the very right of the cause, the question of which of said parties shall and ought to have and retain the right to build their said proposed dam and machinery, appurtenant thereto, decreeing said privilege to the one or other of said parties, as to said court shall appear right, and equitable under all the circumstances of the case.

§ 2. Upon such determination and decree, said court shall by an enquiry of damages by a jury, ascertain and assess the damages that to such court may seem just and equitable, under all the circumstances of the case, and cause the same by proper orders and process, to be collected, discharged and paid over according to the decree of said court.

§ 3. Said court shall decree costs in the premises, as to it shall seem equitable.

§ 4. In all other matters not herein specified, said cause may be proceeded in by appeal, writ of error or otherwise, to final termination as other causes in chancery.

§ 5. This act to take effect from its passage.

APPROVED, March 5, 1845.

DAMS.

AN ACT to authorize Robert A. Brown, to erect a mill dam.

Robert A. Brown, authorized to build a dam across Jackson's Fork of Grand River, under certain conditions.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Robert A. Brown, of Van Buren county, is hereby authorized to erect a mill dam across Jackson's Fork of Grand river, at the place in said county, where said Brown has commenced the erection of such mill dam, for the purpose of propelling a grist and saw mill and other machinery, provided that by the erection of such mill dam, the lands and tenements of any individual or individuals shall not be overflowed, or the health of the neighborhood materially annoyed.

This act to be in force from and after its passage.

APPROVED, March 5, 1845.

DAMS.

AN ACT to authorize George W. Hinkle and William C. Hinkle to erect a water mill on Big Blue river, in Jackson county.

SECTION.	SECTION
George W. Hinkle and William C. Hinkle may build a dam across Big Blue river Under certain circumstances dam not to be erected	Damages in favor of injured persons. If the damages be not paid in a certain time dam to be declared a nuisance
1 2	3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That it shall be lawful for George W. Hinkle and William C. Hinkle, of Jackson county, to build, keep and maintain a mill dam across Big Blue river, on a certain tract of land owned by them, and known as the north-east quarter of section 26, in township 49, of range 33.

§ 2. Nothing herein contained shall authorize the individuals named in this act to enter upon the lands of any person without the consent of such person, and they shall remove all nuisances which may be occasioned by the erection of said dam, which may endanger the health of the vicinity, and if, upon satisfactory evidence produced, it shall appear to the circuit court that the health of the neighborhood will be materially annoyed consequent upon the erection of the proposed dam, the court shall not permit such dam to be erected.

§ 3. If the land of any person or persons should be overflowed, or the value thereof otherwise injured, in consequence of the existence of said dam, such person or persons, by producing satisfactory proof to the circuit court of said county, of such damage or injury, such proceedings shall be had under the direction of the court as shall be necessary to ascertain the extent of the damage or injury, if any, and for the amount of damages so ascertained judgment shall be rendered against the persons mentioned in the first section of this act, and if the said damages be not paid within a reasonable time thereafter, the said dam shall be declared a nuisance, and proceeded against accordingly.

This act to be in force from and after its passage.

APPROVED, March 17, 1845.

DAMS.

AN ACT concerning mill seats on the Thompson fork of North Grand river.

Any person having certain rights in mill seats may build a dam on a certain portion of Thompson's Fork of North Grand river.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Any person or persons who may be the owner by purchase, or proprietor by settlement, of any mill seat on the Thompson fork of North Grand river above the mouth of the Weldon river, is hereby authorized to erect a dam or dams across the said Thompson fork, for the purpose of machinery of any kind, *Provided* they comply with the law concerning mills and mill-dams.

APPROVED, March 24, 1845.

DAMS.

AN ACT to allow Charles and Stephen Kibby to keep a Mill Dam across Platte River.

	SECTION.		SECTION.
Charles and Stephen Kibby may build a	1	Rivers Platte and 102, above their junc-	3
dam across Platte river,	2	tion, not navigable streams,	
Redress for injured persons,			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Charles Kibby and Stephen Kibby, of the county of Andrew, are hereby authorized to maintain and keep a mill dam across Platte river, in Andrew county, at the point where the same is now erected.

§ 2. If any person or persons shall be injured by the erection of said dam either by overflowing, or by backwater, then the said person or persons may petition the circuit court of said county for a writ of *ad quod damnum*, to assess the damages thereby sustained, which shall be proceeded in to final judgment, as in like cases now provided for by law.

§ 3. From and after the passage of this act, the rivers Platte and One Hundred and Two from the junction of said rivers upwards, are not and shall not be considered navigable streams.

This act to be in force from its passage.

APPROVED, March 24, 1845.

DAMS.

AN ACT to legalize the erection of a Mill Dam on Little Sugar creek, in Newton county.

Mozier's and Fullerton's dam across Little Sugar creek, legalized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That a mill dam which has been erected across Little Sugar creek in Newton county, and which dam is now owned by J. K. Mozier and William B. Fullerton, be and the same is hereby legalized.

This act to take effect from and after its passage.

APPROVED, March 27, 1845.

DECISIONS.

AN ACT concerning the Decisions of the Supreme Court.

Secretary of State to furnish certain volumes of the Decisions of the Supreme Court, &c., to
University and Law Library Association.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That it shall be the duty of the Secretary of State to furnish to the University of the State of Missouri, and the Law Library Association of St. Louis, each two copies of the eighth volume, and of every subsequent volume of the Decisions of the Supreme Court of this State, and of any digest of the same published by authority of this State.

This act to be in force from its passage.

APPROVED, Feb. 19, 1845.

DECISIONS.

AN ACT to authorize the Secretary of State to distribute certain volumes of the Decisions of the Supreme Court.

Secretary of State to furnish certain volumes of the Decisions of the Supreme Court to certain
officers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Secretary of State is hereby authorized and required to transmit one copy of the republication of the first, second and third volumes of the Decisions of the Supreme Court of this State, to each clerk of the county and circuit courts of this State, of the counties which have been organized at this session of the Legislature; and one copy of said volumes to each clerk of said courts of the other counties, when the clerk of said court shall certify to the Secretary of State that no such volume has been received by the clerks of said courts: *Provided*, this act shall not deprive other officers from receiving said volumes, who are now entitled by law to receive the same.

APPROVED, March 26, 1845.

DEEDS.

AN ACT to authorize the Sheriff of Cole county, in certain cases, to make deeds for lands sold for taxes.

SECTION.]

W. D. Kerr, sheriff of Cole, to make cer- | tain deeds

SECTION:

1

SECTION.

SECTION.

Receipts for purchase money to be filed with
said sheriff before he executes such deeds 2
Former owners may, within a certain time,

redeem their lands 3
Redemption-money to be paid to purchasers 4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It shall be lawful for William D. Kerr, sheriff of Cole county, to make deeds to purchasers of lands sold for taxes by John D. Williams, late sheriff of Cole county, provided however that no deed shall be made until ninety days after the taking effect of this act.

§ 2. No deed shall be made until the applicant shall file with the sheriff a receipt or receipts executed by the late sheriff of Cole county for the purchase money paid on the tract of land or lot of ground for which a deed is desired.

§ 3. At any time previous to the taking effect of this act, as provided for in the first section of this act, the individual whose land or town lot may have been sold for taxes, may pay over to the sheriff of Cole county the amount for which his land or town lot may have been sold, together with one hundred per cent. on said amount, for which the sheriff shall execute a receipt, specifying the tract of land or town lot on which the payment is made, as also the year or years for which the same is received for taxes.

§ 4. In all cases where the provisions of the last preceding section have been complied with, no deed shall be made, but the sheriff shall pay over the money received to the person entitled to the same.

APPROVED, March 26, 1845.

DIVORCE.

AN ACT concerning Congreve J. Warden and Elizabeth Crockett.

SECTION.

SECTION.

Congreve Jackson Warden and Elizabeth
Crockett, his wife, divorced 1

Act to take effect from its passage 2

Whereas Congreve J. Warden has petitioned this General Assembly to pass a law divorcing him from the bonds of matrimony by him contracted with his wife, Elizabeth, formerly Elizabeth Crockett, showing that some time in the month [of] May, eighteen hundred and forty-four, he was joined in the bonds of matrimony with said Elizabeth, and on the same day, immediately after they were married, and from that time to the present, said Elizabeth has refused to live with said Warden, and says that she never will live with him, and further states that when they were married she considered it as a jest, which may be seen by certificates set forth in the petition. Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That any pretended contract of marriage between Congreve Jackson Warden, of Howard county, and Elizabeth Crockett, of Chariton county, before John C. Kavanaugh, a justice of the county court of Chariton county, and justice of the peace in said county, and every record made thereof in the recorder's office of said county, is hereby declared null and void, and the parties are released from all obligations and liabilities arising therefrom, and the right of either party shall in no wise be affected thereby, and they shall possess all the rights and privileges of sole and single persons, in all respects whatever, [it] appearing satisfactorily to this Legislature that the consent of the parties were not intentionally and voluntarily given to such pretended contract, and it has not been succeeded by those relations which exist between husband and wife.

This act shall be in force from and after its passage.

APPROVED, Jan. 24, 1845.

DIVORCE.

AN ACT for the relief of Milly Owen.

Milly Owen divorced from William Owen; but the legitimacy of their children not affected thereby.

Whereas it is represented to this General Assembly that said Milly Owen has been deserted by her husband, William Owen, without good cause, for six years, and that he, the said Owen, is a non-resident of this State. Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the said Milly Owen, of Shannon county, be and she is hereby absolved and divorced from the bonds of matrimony heretofore contracted by her with the said William Owen, and that they be held at naught, and that the said Milly Owen be permitted to marry again, in the same manner as if said William Owen were naturally dead, and as if they had never intermarried. Provided, nevertheless, that said divorce shall in nowise affect the legitimacy of their offspring.

APPROVED, Jan. 24, 1845.

DIVORCE.

AN ACT to dissolve the bonds of matrimony existing between Isaac N. Bryson, of Pike county, Missouri, and Margaret L, his wife.

Isaac N. Bryson and Margaret L., his wife, divorced.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the bonds of matrimony heretofore contracted between the said Isaac N. Bryson and Margaret L. Bryson, formerly Margaret L. Love, be and the same are hereby dissolved.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 24th, 1845.

ELECTIONS.

AN ACT to create an additional election precinct in Platte county.

SECTION	SECTION.
The Platte county court may create an additional election precinct in Pettis town-	ship Place of holding elections for said precinct
	1
	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county court of Platte county is hereby authorized to establish an additional election precinct in Pettis township, in said county, and appoint judges and clerks to superintend the elections thereat.

§ 2. The elections for said additional election precinct shall be held at the house of George S. Parks, in the town of Parkeville, until otherwise ordered by the county court of said county.

This act to take effect from and after its passage.

APPROVED, March 26, 1845.

FERRIES.

AN ACT relative to the Ferry at the City of Jefferson.

Certain privileges continued.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the grant and privileges contained in the fourth section of the act entitled an act relative to the Ferry at the city of Jefferson, approved February fifteenth, eighteen hundred and forty-one, be and the

same are hereby continued in force as therein provided, during the remainder of the period for which James A. Crump and others were authorized to keep said ferry by the act entitled "an act to authorize James A. Crump and others to keep a ferry in the city of Jefferson," approved February 11th, eighteen hundred and thirty-nine.

This act shall take effect from its passage.

APPROVED, Jan. 8, 1845.

FERRIES.

AN ACT to establish Free Ferries across Salt River.

	SECTION.		SECTION.
County court of Ralls may establish ferries across Salt river to be free to the citizens of Ralls, only.	1	Expense of ferries to be paid out of road and canal fund,	2
		Ferries to be governed by the laws regulating ferries, with certain exceptions,	3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county court of the county of Ralls is hereby authorized, if the said court shall deem it the interest of the citizens of said county, to establish one or more ferries across Salt river, which ferry or ferries shall be free to all persons residing in the county of Ralls, and all other persons shall pay the legal ferriage for crossing said river.

§ 2. The county court of said county of Ralls shall appropriate so much of the interest arising from the Road and Canal Fund belonging to said county, as shall be necessary to carry into effect the object contemplated by the first section of this act.

§ 3. The ferry or ferries established by the said county court, in virtue of this act, shall be governed and regulated in all things by the laws of this State regulating ferries, except that all the citizens of said county and their property shall be ferried free of charge.

This act to take effect from and after the passage thereof.

APPROVED, Feb. 1, 1845.

FERRIES.

AN ACT to authorize W. B. Martin to keep a Ferry.

	SECTION.		SECTION.
W. B. Martin may keep a ferry across the Mississippi at Tully, in Lewis county, &c., without license,	1	Privileges to cease whenever county court shall license a ferry within two miles,	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. William B. Martin; of the county of Lewis, is hereby authorized to keep a ferry across the Mississippi river, at his residence in the town of Tully, in said county, without obtaining a license for that purpose, and may charge the usual rates of ferriage for crossing said river.

§ 2. Whenever a ferry shall be licensed by the county court of Lewis county, within two miles of the point at which the ferry authorized by this act is established, the privileges granted by this act shall cease and determine.

This act to be in force from its passage.

APPROVED, Feb. 28, 1845.

FORM BOOK.

AN ACT to encourage the publication of a good Form Book.

SECTION.	SECTION.
Evans Casselberry may copy, &c., enrolled bills, with the view of making a form book,	Said acts, if sworn to, to be prima facie evidence, &c. Affidavit to be filed with Secretary of State.
1	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Evans Casselberry, (the author of the "Missouri Digest,") shall have the privilege as soon as he may think proper, at his own expense, of copying (and of comparing any copy with) any of the enrolled bills in the office of the Secretary of State, containing any of the acts of the present session of the Legislature, free of charge on the part of the State or any officer thereof, for the purpose of making a form book to be founded principally on some of said acts.

§ 2. That as many of said acts as he may publish, shall be *prima facie* evidence of the original bills, from which the same shall purport to have been taken: provided he or the person or persons he may employ for the purpose of comparing said copies with said original bills, shall take an affidavit, before any officer of this State authorized by law to administer oaths, that the acts so published are true copies of said original bills. which said affidavit shall be filed in the office of the Secretary of State.

This act shall take effect and be in force from and after the passage hereof.

APPROVED, March 24, 1845.

GENERAL ASSEMBLY.

AN ACT to provide for the comfort and health of the Members and Officers of the General Assembly.

	SECTION.		SECTION.
Commissioner of Permanent Seat of Government to provide certain doors for the Capitol,	1	Currents of cold air to be excluded from Rotunda,	2
		Auditor to draw warrant for expenses hereof, on commissioner's certificate,	3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. It shall be the duty of the Commissioner of the Permanent Seat of Government, as soon as practicable, to contract for the constructing and hanging at the door next the Portico, shutters of frame work, covered with baize or other suitable stuff, the same to be so hung as to shut itself.

§ 2. The said Commissioner shall cause to be replaced at the earliest time practicable, any panes of glass that may have been broken out about the Cupola or other upper parts of the Capitol, so as to exclude currents of cold air from the Rotunda.

§ 3. The accounts for the foregoing work shall be certified to the Auditor by the Commissioner of the Permanent Seat of Government, upon which the Auditor shall draw his warrant on the treasurer payable out of the contingent fund of the General Assembly.

This act to be in force from and after its passage.

APPROVED, Feb. 25, 1845.

GUARDIANS.

AN ACT authorizing Hoard Roberts to become guardian for his children.

Hoard Roberts may become guardian for his two oldest children.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Hoard Roberts, one of the justices of the county court of Lewis county, in this State, be and he is hereby authorized to become guardian for his two oldest children, Benson and Susan, by giving bond and otherwise complying with the law in such case made and provided.

This act to take effect from its passage.

APPROVED, Jan. 8, 1845.

GUARDIANS.

AN ACT to authorize the sale of the real estate belonging to the minor heirs of Sarah M. Brooks.

	SECTION.		SECTION.
Ira S Brooks, as guardian; may sell certain real estate.	1	If credit be given, security to be given, and deed withheld,	4
Manner and terms of sale,	2	Purchase money to be loaned out,	5
Said Brooks to report to Howard county court if they reject the same, a second sale to be held,	3	Affidavit of said guardian to said report, Guardian's bond to be taken by the county court, or clerk,	6 7

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Ira S. Brooks, the guardian of Charles Brooks, James Brooks, Thomas Brooks and John Brooks, minor heirs of his wife, Sarah M. Brooks, deceased, is hereby authorized and empowered to sell and convey the real estate belonging to said minor heirs, consisting of the following parcels of land: *First*, the north west quarter of the north west quarter of section ten, in township forty-five, in range seventeen. *Second*, the north east quarter of the north east quarter of section nine, in township forty-five, of range seventeen; both in Morgan county, and *third*, the south east quarter of the south east quarter of section four, in township forty-five, of range seventeen, in Cooper county, Missouri, each tract containing forty acres more or less.

§ 2. The sale of said lands shall be made at either public or private sale, for cash or on credit, as may be deemed, by said guardian, most advantageous to the heirs; but before the sale shall be made, he shall cause the land to be appraised by three sworn appraisors, respectable citizens of Cooper or Morgan counties, and the land shall not be sold for less than its appraised value.

§ 3. Said guardian shall, under oath, make a report of his sale and proceedings to the county court of Howard county, in Missouri, for their approval or rejection, and if they should reject the sale, they may order a second sale of the premises to be made, as above directed.

§ 4. If said sale shall be made on credit, bond and good security shall be given for the purchase money and the deed shall be withheld till the completion of the payment.

§ 5. The said guardian shall cause the money arising from said sales to be loaned out on interest, taking ample security therefor in the same manner required by law, to be done with money belonging to minors, and subject to the superintending control of the county court of Howard county.

§ 6. The affidavit of said guardian to his report of sale, shall state that he is not directly nor indirectly interested in the purchase of the land sold.

§ 7. Before entering upon the duties prescribed in this act it shall be the duty of the county court of Howard county, or the clerk thereof in vacation, to take a bond of said guardian, with two or more securities

in such sum as the court, or clerk, in vacation, shall direct; conditioned for the faithful performance of the duties in this act required, and if such bond is taken by the clerk in vacation to be approved, if deemed sufficient by the court, at its next term.

This act shall take effect from its passage.

APPROVED, January 14, 1845.

GUARDIANS.

AN ACT to authorize Elias H. Davis to purchase land as guardian for certain minors.

Elias Davis, as guardian, may invest certain money in lands.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Elias H. Davis, of Andrew county, guardian of the heirs of Alfred Knapp, deceased, be and he is hereby authorized to lay out and expend any money he may have in his hands, as such guardian, in the purchase of land for and in the names of said heirs.

This act to take effect from and after its passage.

APPROVED, Feb. 28, 1845.

HARBOR.

AN ACT for the improvement of the Harbor of St. Louis.

	SECTION		SECTION.
City of St. Louis may borrow money for improving the harbor,	1	for any misapplication of the money so borrowed,	3
May levy a special tax to pay said loan,	2	Compensation of the members of the city council,	4
Penalty incurred by certain city officers,			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The city of St. Louis is hereby authorized to borrow any sum of money, for the improvement of the harbor of said city, not exceeding the sum of one hundred thousand dollars, and the Mayor and City Council of said city, are hereby authorized to appropriate the money so borrowed, to the construction of such works within or without the limits of said city, as may be necessary to improve or secure the harbor of said city, and to remove all obstructions to navigation from said harbor.

§ 2. The mayor and city council are hereby authorized to levy and collect a tax not exceeding one tenth of one per centum on all property within said city, made taxable by law for state purposes, in addition to the tax authorized by the charter, the proceeds of which shall be exclusively

for the payment of the principal and interest of any money borrowed for the purpose before mentioned, and shall be exclusively appropriated to such payment.

§ 3. Any member of the city council, who shall vote for any ordinance that shall be passed for the application of the money borrowed to any other object than the improvement of the harbor, or for the application of the proceeds of the tax before provided for, to any other object than the payment of the principal and interest of the loan before authorized, and any mayor of said city, who shall approve any ordinance by which the proceeds of such loan or tax shall be diverted to any other object shall be liable to pay the amount so directed (diverted,) to the city, and the same may be recovered by action on the case against such mayor, or such member, in the name of the city; and upon the passage of such ordinance by which such illegal appropriation shall be made, or any member of the council present shall be deemed to have voted for the passage of such ordinance, unless the *yeas* and *nays* are entered upon the journals of such board of the city council.

§ 4. No member of either board of the city council shall receive more than one dollar for each day he shall attend the sittings of the board of which he is a member, which shall be in full for all his services as such member.

This act to take effect from its passage.

APPROVED, March 26, 1845.

INCORPORATIONS.

AN ACT amendatory of the act incorporating the Missouri Fire Company; approved, January 29th, 1841.

	SECTION		SECTION.
Powers of the company,	1	Members having such certificates entitled to certain exemptions,	3
Members serving seven years to receive a certificate to that effect,	2	Number of members limited,	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The said Missouri Fire Company shall also have power to purchase, or to acquire by gift, and the same to hold and manage and enjoy under such regulations, as the company may from time to time prescribe, books, maps, charts, philosophical and chemical apparatus, and mineralogical and other kind of specimens calculated to improve the mind, and add to the usefulness and happiness of the members; said company shall also have the power to create and hold a fund, the proceeds of the interest of which to be applied to the relief of members injured in the discharge of their duties at fires, and to the education of the children of indigent and deceased members, who have been active firemen during seven years.

§ 2. No member of said company shall be compelled to do duty in it for a longer period than seven years, when he shall be entitled to receive from the President and Secretary, under the seal of the company, a certificate that he has thus served as a fireman during the period of seven years.

§ 3. No person having received such a certificate shall be compelled to do duty in the militia in time of peace, or to sit on any jury within the State, the secretary shall keep a true record of all certificates granted to members under this section.

§ 4. The words "and fifty," after "one hundred," in the first line of the third section of said act of incorporation of said company is hereby inserted therein, so that said third section shall read "the said corporation shall consist of not more than one hundred and fifty active members," &c.

This act shall take effect and be in force from its passage.

APPROVED, Dec. 19, 1844.

INCORPORATIONS.

AN ACT supplementary to an act entitled an act to incorporate the town of Weston, in the county of Platte; approved, February twenty-third, eighteen hundred and forty-three.

SECTION.		SECTION.	
Additional powers given to the board of trustees,	1	Persons residing within limits of corporation, not compelled to work roads more than half mile beyond limits,	3
Trustees to be conservators of the peace,	2		

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the board of trustees of the town of Weston, in addition to the process and authority now vested in them by law, for the government and good order of said town, shall have power to provide by ordinance for licensing, taxing and regulating merchants and venders of merchandize, auctioneers, hawkers and pedlars, ordinaries, taverns, dram-shops, beer and ale houses, to restrain and prohibit gaming and gaming houses; to regulate and order the erection of partition and parapet walls and partition fences; to regulate the storage of gunpowder, tar, rosin, pitch, hemp, cotton and other combustible materials, and to pass such ordinances as may be necessary to carry into effect the objects of this act, and the powers herein granted, and to impose fines and forfeitures for the breach of any such ordinances and provide for the collection thereof.

§ 2. The trustues of said town shall be conservators of the peace within the limits of said town, and shall take care that the laws of the State, and the ordinances of the town are duly enforced and obeyed.

§ 3. That hereafter no person or persons residing within the corporate limits of said town, shall be compelled to work on any road or roads

leading to or from the said town more than one half mile beyond the corporate limits of said town.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 14, 1845.

INCORPORATIONS.

AN ACT to incorporate the South-eastern Leveeing and Draining Company of Missouri.

	SECTION		SECTION
Style of company—its powers and capabilities	1	lock to enter into bond	10
Company may enact by-laws with certain restrictions	2	Payment for work done, how drawn	11
Company to meet, when and for what purposes	3	Persons aggrieved by company using earth or timber, proceedings	12
Presiding officer, clerk, his duties, treasurer, his duties, to give bond, &c.	4	Any person wilfully breaking or injuring levee, lock or gate, penalty	13
Books to be opened, where, how long, and for what purpose	5	Punishment of slaves for breaking or injuring levee, lock or gate	14
Stock subscribed, where and how applied	6	Additional powers of company	15
Stock subscribed to be paid as company may direct; recourse on failure	7	Office, tenure of	16
Superintendent; his powers and duties	8	Clerk, treasurer, and superintendent, their compensation, by whom determined	17
Certain discretionary powers given to company	9	If company fail to meet at time prescribed, then, at some other time	18
Persons making any part of levee gate or		General Assembly may repeal this act	19
		Banking privileges not allowed	20

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

§ 1. That Archibald A. Price, John Rodney, Harrison S. Thompson, John Bird, Carroll V. Randall, Thomas Hunter, Benjamin S. Hacker, Wright B. Sims, John Barker, Thomas Allen, Benjamin Faris, Robert White, George L. Cravens, Halia Moulder, and William Sayers, their associates and successors, be and they are hereby created and declared to be a body corporate and politic, by the name and style of "The South-Eastern Leveeing and Draining Company of Missouri," and by that name they may have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended in all courts and places whatever; they may have and hold such property and real estate as they may deem necessary for the transaction of their business; they may have a common seal, and may break or change the same in such manner as they may think proper.

§ 2. Said company shall have power to establish such by-laws, rules and regulations as they may deem expedient for the management of the business and the government of the interest and concerns of said company, provided the same be not repugnant to the laws and constitution of this State or of the United States.

§ 3. Said company, or a majority of them; shall meet in the town of

Charleston, in Scott county, on the first Monday in April next, and shall then and there proceed to elect a President and appoint a Treasurer, a Clerk, and Superintendent of public works.

§ 4. The President shall preside over the deliberations of said company; the Clerk shall procure a suitable book, and shall enter therein such proceedings and matters as said company may, from time to time direct, and before entering upon the discharge of his duty he shall take an oath before some person competent to administer an oath, that he will make and keep, under the instruction of said company, a true and faithful record of their proceedings, and such other matters as they may direct. The treasurer shall receive and have control of the funds of said company, and shall pay such demands against said company, and make such disbursement of said funds as said company may from time to time direct; he shall procure a suitable book, and shall therein enter the amount of money and property, both real and personal, that he may from time to time receive from any person or persons, State or government, and the time when the same was received, and he shall also keep an account of the respective amounts of money or property he may from time to time pay any company, person, or persons—to whom and when paid, and for what purpose the same was paid. Said treasurer shall enter into bond, payable to said company, with good and sufficient security, in the sum of ten thousand dollars, or as much more as said company may require, conditioned that the said treasurer will truly and faithfully account for, and disburse and pay all money and property which may come to his hands as Treasurer of said company, according to law. Before said treasurer enters upon the discharge of his duties, he shall take an oath before some person competent to administer an oath, that he will to the best of his ability discharge the duties of his office according to law. The said Treasurer shall, at the end of every three months, or oftener, if required by said company, deliver to said company an accurate statement of the several sums of money and property he may have received within the last three months, immediately preceding the time of making such statement, and also the several sums of money and property he may have paid in the same time, and the clerk shall make a record of such statement.

§ 5. Within thirty days after the appointment of said officers, the said company shall cause books to be opened in each township bordering on the Mississippi river, from the town of Commerce, in Scott county, to the mouth of James' Bayou, for the purpose of receiving subscriptions to make a good and sufficient levee of earth on the bank of the Mississippi river, or as near thereto as may be deemed expedient, to be raised above high water mark, from the said town of Commerce to the mouth of James' Bayou, and said books shall be kept open any length of time, at the discretion of said company.

§ 6. The amount each individual may subscribe shall be applied to making the levee in the township in which such individual may reside, unless it be otherwise directed by the subscriber; if more is subscribed and paid than is sufficient to make the levee in such township, the overplus

shall be applied to making any other part of the levee which said company have a right to make.

§ 7. The amount each subscriber may subscribe shall be paid at such time and in such manner as said company may direct, and if any subscriber fail to pay the amount by him subscribed, when the same becomes due, he may be compelled to pay the same by action of debt brought in any court of competent jurisdiction.

§ 8. At such time as said company may direct, the superintendent of public works shall designate the ground upon which said levee is to be made, in each township, and by direction of said company he may enter into contract with any person or persons to make said levee, or any portion thereof, and all such contracts shall be in writing, and be signed by the superintendent of public works and the undertakers of such work, and shall specify what work is to be done, the time in which it is to be finished, and the manner in which the same is to be done, and the amount such undertaker is to receive for doing of the same. Each undertaker of such work shall give bond to said company in such amount as said superintendent may deem necessary, with good and sufficient security, to be approved by said superintendent, conditioned for the faithful performance of his contract. If any undertaker fails to finish the work he undertakes to do, according to his contract, said superintendent, by the direction of said company, may proceed to enter into contracts with such other persons as will do said unfinished work, on such terms as said company may direct, and the preceding undertaker may be allowed such compensation for the work he has done as said company may deem reasonable.

§ 9. That whenever the said company may think the public good requires any bayou or drain to be left open, the same may be left open, but they may cause such locks or gates to be erected on any bayou or drain they may deem expedient, provided the same does not create stagnant pools prejudicial to the public health.

§ 10. Any person or persons may be permitted to make any part of said levee, or any gate or lock said company or superintendent may think necessary to be made, provided such person or persons enter into bond payable to said company, in such amount as said superintendent may think necessary, with condition that he or they will do such work in a manner and by a time to be prescribed in such bond.

§ 11. Whenever the superintendent shall certify to said company that any undertaker to make any part of said levee, or any gate or lock, has finished the same, according to his, her or their contract, said company shall cause a warrant to be drawn on said company, signed by the President thereof, for the amount due such person, and the treasurer shall pay the same to such person or his assigns, when presented to him, out of any unappropriated funds of said company in his hands, and said superintendent shall give such undertaker a receipt for such work.

§ 12. Said company shall have full power to use, or cause to be used, any earth or timber which may be necessary in constructing said levee, locks or gates, and if the owner of such earth or timber feel himself ag-

grieved thereby, or if the owner of any land on which said levee is about to be constructed, shall thereby feel himself aggrieved, any such person, within twenty days after the place is designated where said levee is to be made, may notify the President of said company, in writing, of his grievance; within a reasonable time thereafter, the President of said company shall issue a summons, under his hand, directed to the sheriff or any constable of the county in which said land lies, or earth or timber is situated, commanding said sheriff or constable to summon twelve householders of the county, in no way akin to the complainant, to meet on such land, or at some other convenient place to be named in said summons, at a time to be designated; and when said householders have assembled, they shall take an oath before some person competent to administer an oath, well and truly to enquire whether the location of said levee, or the use of such earth or timber (as the case may be,) as is mentioned in the preceding section, will be of material injury to the complainant, and if the jury find that the complainant will be materially injured by the use of such earth or timber, and shall state in their verdict the amount of damage, said company shall pay the costs of such proceedings, and may continue the levee, or use the earth or timber aforesaid, by paying the complainant the amount of damages assessed by the jury, or said company may have said levee constructed at some other place, if they think it expedient to do so, but if said jury find in their verdict that the complainant will not be materially injured by the location of said levee, or the use of the timber or earth aforesaid, (as the case may be,) then and in that case the complainant shall pay the costs of such proceeding. Said jury shall deliver their verdict to the President of said company, and he shall cause the same to be entered of record by the clerk of said company.

§ 13. If any person wilfully break or injure said levee, or any lock or gate said company may erect in constructing said levee, every such person, their aiders and abettors, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail not exceeding six months, or may be punished by both such fine and imprisonment, or either of them, to be recovered by indictment in the county where the injury was committed; and all such fines shall be applied to the use of said company, in constructing said levee, locks and gates.

§ 14. If any slave be found guilty of breaking said levee, locks or gates, he, she or they shall receive on the bare back any number of lashes, not exceeding thirty-nine, by order of any justice of the peace before whom such slave may be found guilty.

§ 15. Said company shall have power to fill all vacancies, and after said levee is finished, they may adopt such measures as to them shall seem meet to drain the low and marshy lands in said county.

§ 16. All officers of said company may hold their office for one year, unless sooner removed by said company.

§ 17. The clerk, treasurer, and superintendent of public works shall receive a reasonable compensation for their services, the amount to be determined by said company.

§ 18. If said company fail to meet at the time and place and in the

manner prescribed in the third section of this act, they, or a majority of them, may meet at any other time and place, and may proceed to discharge their duty as required by this act.

§ 19. The General Assembly of the State of Missouri shall have power at any time to repeal this act.

§ 20. Said company shall not directly or indirectly exercise any banking privileges.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 24, 1845.

INCORPORATIONS.

AN ACT to incorporate the town of Platte City.

SECTION.	SECTION.
Platte city; its boundaries—style of incorporation—corporate powers.	for holding election- Vacancies, how filled, 5
Corporate powers, in whom vested; powers and duties of the board of trustees, Trustees to take oath, endorsed on certificate of election; board, when to assemble; its duties, style of ordinance,	Assessor, collector, treasurer, and other officers how appointed, their duties by whom prescribed; compensation; to give bond, 6
Board may pass certain prohibitory laws; open, widen, and establish streets, avenues, &c —assess fines collect taxes, regulate landing of steamboats, inspection of lumber, provisions, &c.; borrow money, for what purposes; pass laws for regulation of police,	Powers of trustees in paving streets and side walks, 7
Election for town officers, when held; tenure of office, elections, how conducted; qualification of electors; fail to hold election on regular day, justice of peace may appoint judges, and time and place	For non-payment of tax, remedy, 8
	Fines, forfeitures, rents and debts accruing to inhabitants, how recovered, 9
	On the first Monday in each year, chairman to make exhibit of receipts and expenditures, 10
	First trustees under this act, judges how appointed, 11
	General Assembly may alter, amend or repeal this act, 12

Be it enacted by the General Assembly of the State of Missouri as follows:

§ 1. That district of country known by the name of Platte city, lying within the following limits, to wit: All that portion of the southwest quarter of section No. twenty-five, in township No. fifty-three, of Range No. thirty-five, that lies on the east bank of the main channel of Platte river; also, the following tract or parcel of land, laid out and surveyed, as an addition to said town, and bounded as follows, to wit: Beginning at a point in the middle of the main channel of Martin's Spring branch, where the section line between sections No. twenty-five and thirty-six intersects said channel; thence, south, seven degrees, east, six and seventy-two hundredths poles; thence, south, fifty-nine degrees, east, twelve poles; thence, south, thirty-two degrees, east, fifty-six and fifty-six hundredths poles; thence, east, forty-one and ninety-two hundredths poles; thence, north, sixty-three and twenty-eight hundredths poles, to the southeast corner of the southwest quarter of section No. twenty-five, as aforesaid; and thence, west, along said line between said sections No. twenty-five and thirty-six, to the beginning, shall be a body politic and corporate, by

the name and style of "The inhabitants of the town of Platte city," and by that name the inhabitants of said town and their successors shall be known in law, have continual succession, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters; may purchase, receive and hold property, real and personal, within the limits of said town and the commons thereunto attached, that shall be necessary for said town, in the exercise of her corporate powers, and may lease, sell and dispose of the same for the benefit of said town, and may have a common seal and alter the same.

§ 2. The corporate powers of said town shall be vested in a board of trustees, to consist of seven members to be chosen by the qualified voters of said town, any five of whom shall be a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members; they shall judge of the qualifications and returns of their own members; determine contested elections; make rules and by-laws for their own proceedings; punish any member or other person for disorderly behavior in their presence while sitting as a board; and with the concurrence of five members may expel any member after he has a due hearing in defence, if he desire it; but they shall not expel a member the second time for the same cause: they shall keep a journal of their proceedings, and at the request of any member shall enter the yeas and nays on the journal on any question, and all their proceedings shall be public.

§ 3. Every trustee, before entering on the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to demean himself in office, a certificate of which oath shall be endorsed on his certificate of election, and filed by the clerk of the board. Every board of trustees shall assemble within five days after their election, and choose one of their number chairman, and some other person as clerk. The board shall, by ordinance, fix the time and place of holding their stated meetings, but may be convened by the chairman, at any other time, and he shall inform them of the cause of their being convened. The style of their ordinances shall be "Be it ordained by the board of trustees of the town of Platte city."

§ 4. Said board of trustees shall have power to pass by-laws and ordinances to prevent and remove nuisances; to prohibit gambling and gaming houses; to license, regulate or prohibit theatrical or other amusements; to prevent or restrain the meeting of slaves; to regulate and establish markets; to erect and repair bridges; to prevent the firing of fire-arms; to prevent the furious and unnecessary running, galloping, riding or driving of any horse or mule within said town, or such part thereof as they may think proper; to establish night watches and patrols; to prevent and suppress bawdy houses and other disorderly houses within the limits of said town or the commons thereto attached; to open, establish, widen, extend and repair streets, avenues, lanes, alleys, public squares, drains and sewers, and to keep the same clean and in order; to erect and maintain hospitals; to prevent the introduction of contagious diseases, and to

secure the general health of the town; to provide for the prevention and extinguishment of fires; to levy and collect taxes upon personal and real property in said town, but shall impose no tax at a higher rate than the one half of one per cent. on the assessed value of the property; to regulate, graduate, pave and improve the streets of said town; to erect, repair and regulate wharves and the rates of wharfage; to regulate the landing and stationing of steam boats, rafts and water crafts; to provide for the inspection of lumber, building materials and provisions to be used or offered for sale in said town, or to be exported therefrom; to borrow money, if it be necessary, for graduating and paving the streets, erecting wharves, supplying water, or making other public improvements in said town; to pass such ordinances for the regulation and police of said town and its commons, as said trustees may think necessary, not contrary to the laws of the land; and said board of trustees shall have power to pass all ordinances to carry into effect the objects of this act, and the powers herein granted, as the good of the inhabitants may require, and to impose fines and penalties for the breach of their ordinances.

§ 5. An election shall be held in said town on the first Monday in April next, for trustees, and on the same day in every year thereafter; and the trustees elected shall hold their office one year, and until their successors be qualified. Elections held for trustees shall be conducted by three judges appointed by the board of trustees, and shall, in all respects, be conducted, and the qualifications of electors and persons to be elected be determined by the general law respecting towns, so far as applicable; and should any regular election fail, any justice of the peace may appoint judges, issue an order for holding an election for trustees at some specified time and place, to be conducted as above provided. All vacancies in said board shall be filled by a special election ordered by the chairman as directed in the general law respecting towns.

§ 6. Said board may appoint an assessor, collector, treasurer, clerk, constable, inspectors, and such other officers and agents as may be necessary, and shall by ordinance prescribe their duties, compensation and tenure of office; and may require of any such officer sufficient bond and security, and require them to take an oath for the faithful performance of their duties.

§ 7. Said trustees shall have power to have the footways and sidewalks of the streets paved at the expense of the owners or occupiers of the adjacent lots; and if any such owner or occupier fail to pave the same as directed by ordinance, said trustees shall pave the same, and recover the full expense thereof from such owner or occupier, by action of debt, before any court of competent jurisdiction. And if any tenant be required to pave in front of the property occupied by him, the expense thereof shall be a good offset against so much of the rent due to the owner; but no tenant shall be required to expend more than the rent for the term which he occupied in the property. If any person who is a non-resident fail to pave in front of his property in the manner and time required by ordinance, or if any person who is a resident fail to pave as aforesaid, and the expense of paving cannot otherwise be recovered from him, the said trustees may have such lot or

any part thereof sold to defray the expense of such improvement, in such manner as said board may by ordinance provide,

§ 8. If any person fail to pay any tax levied on his real or personal property, the town collector may recover the same by action of debt before any justice of the peace, in the name of the inhabitants of said town; and may in like manner collect the amount of taxes due from any non-resident from the tenant of the property of such non-resident; but no tenant shall be compelled to pay more than the rent of said property; and the amount thus paid by him shall be a good off-set against the owner of the property; and if such non-resident taxes be not otherwise paid, the property may be sold to pay the same at public sale, in such manner as the board of trustees shall by ordinance provide.

§ 9. All fines, forfeitures, rents and debts accruing to the inhabitants of said town, may be recovered by action of debt before any justice of the peace as other debts, subject to appeal; and persons living in said town not otherwise disqualified or incompetent, shall be competent as witnesses and jurors in the trial of such suits; but any defendant on request may have a jury summoned, consisting of persons not living in said town, and a warrant may be granted to bring any person forthwith for trial before a justice of the peace, for a breach of any ordinance of said town, if it appear that there would be danger of losing such claim, debt, or fine, if such warrant were not issued. It shall be the duty of the chairman to cause all ordinances passed by the board, to be published in such manner as shall by ordinance be directed.

§ 10. The chairman of said board shall on the first Monday in March in each year, make a full and true statement of all moneys received and expended on account of said town during the preceding year, and shall within ten days publish said statement in a newspaper, if there be any in the town, or by manuscript, in six public places therein, and if he fail to do so he shall forfeit fifty dollars for the benefit of said town.

§ 11. Any justice of the peace in said town may appoint the judges to elect the first trustees under this act.

§ 12. This act may be altered, amended or repealed by the General Assembly at any time hereafter; and shall take effect on the first day of March next.

APPROVED, Jan. 24, 1845.

INCORPORATIONS.

AN ACT to incorporate the Savannah Lyceum.

SECTION.	SECTION.
Savannah Lyceum, by whom composed, style of the association, its powers and duties.	May make constitution and by-laws. 2.
1.	Continuance of the corporation—its character how forfeited. 3.

Whereas an association has been formed in the town of Savannah, the county seat of Andrew county, bearing the name of the Savannah Lyceum, having for its object the intellectual improvement of its members in literature, science and the arts, through the medium of lectures, debates, and other literary exercises; and whereas for the promotion of

the above object, it is the design of said association to collect a Library and procure other effects suitable to the wants of such an association; now therefore, in order to encourage and facilitate the above declared object of the said association, and to render it more permanently and extensively useful,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Charles F. Holley, William Burnett, Thomas Conrad, Peter Conrad, W. P. Howard, Joseph Tootle, A. G. Clark, Milton Tootle, B. M. Atherton, J. M. Holt, Charles W. Baker, M. R. Singleton, John Terrill, E. Impey, W. B. Wood, their associates and successors be, and are hereby created, constituted and declared, to be a body corporate and politic, by the name and style of the Savannah Lyceum, and by that name they may have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending, and being defended, in all courts and places whatsoever, that they and their successors may have a common seal, and may alter, change or break the same at will, and that they may be capable in law of acquiring, holding and conveying, so much property, real, personal and mixed, as may be necessary and requisite for the association, in furtherance of its objects, not exceeding ten thousand dollars.

§ 2. The said corporation shall have power to make a constitution and by-laws, provided that nothing therein contained shall be repugnant to the constitution and laws of the State of Missouri.

§ 3. The corporation hereby created, shall continue so long as it shall faithfully answer the ends of its creation, and the General Assembly whenever it shall be satisfied that it has failed in this respect, or has violated any of the provisions of this act, may alter or repeal the same.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 27, 1845.

INCORPORATIONS.

AN ACT to incorporate the town of Louisiana.

SECTION.	SECTION.
Style of corporations, powers and privileges.	deed to be recorded, where. 5.
Boundaries and limits. 1.	Additional powers to chairman, new duties resulting therefrom. 6.
Board of trustees appointed, subject to what provisions, and when to assemble 2.	Chairman exercising the powers conferred by 6th section, before the recording of certificate of his election,—to be fined, how recovered. 7.
Additional powers granted to corporation. 3.	
Duty of collector on sale of lot for taxes; 4.	

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The inhabitants of the town of Louisiana, in Pike county, Missouri, are hereby declared to be a body corporate and politic, under the name and style of the inhabitants of the town of Louisiana; with the powers, privileges and duties, and subject to the same regulations and restric-

tions as are granted and enacted by an act entitled, "An Act for the incorporation of towns," approved March 11th, 1835, except so far as the same may be altered or amended by the provisions of this act.

§ 2. The limits and boundaries of said town corporation, shall be as follows, to wit: Commencing at a point on the bank of the river Mississippi, where the southern boundary line of said town strikes the river, thence due west with the said southern boundary line, to the south-west corner of said town, thence north-westerly with the western line of said town to the north-west corner, thence easterly with the northern line of said town, following the line thereof, until it strikes the northern line of block number two, according to the recorded plat of said town, and thence in a direct line with the street or northern line of said block numbered two, to the bank of the river Mississippi, and thence continuing in the same direct line to the middle of the main channel of said river, thence running with the middle of the said main channel down the river, until it strikes such a line as will form a true parallel with the streets of said town, running east and west, and also to strike the place of beginning, and thence with said parallel line to the place of beginning. The above described boundary to include all of the recorded plat of said town, and so much in addition as may be included in the above described line.

§ 3. In order to carry into effect the provisions of this act, Edwin Draper, Horace H. Janks, William C. Harden, E. G. Mequire, and William Alexander, are hereby declared to constitute the first board of trustees, subject to all the provisions and regulations of the act referred to in the first section of this act, provided however, that if the trustees, or a majority of them, named in this act, shall assemble and take the oath prescribed by the act aforesaid within thirty days after the passage of this act, the charter hereby granted shall not be forfeited.

§ 4. In addition to the powers granted by the act above referred to, the trustees aforesaid shall have power to enforce the collection of the taxes due on real estate, by provisions for the sale of any lands, lots, blocks, or parts of lots, or other lands lying within the limits of the above described boundary, for the non-payment of the taxes due thereon, but no such sale shall be valid, unless public notice be first given in some newspaper published nearest to said town, for at least six weeks successively next preceding the day of sale, which notice shall describe the lot or lots, block or blocks, or other parcel of ground, by number or other correct description, in whose name assessed, the original owner if known, the amount of tax due thereon, and the time and place of sale; such sale shall be made to the lowest bidder on the smallest quantity of ground in feet or inches, and any lots, blocks or parcels of ground, so sold for the taxes may be redeemed by the owner thereof, or their legal agents or representatives at any time within two years from the day of such sale, by the payment of all such taxes due thereon, together with the costs of advertising, to be fixed by ordinance, and with interest on the whole amount not to exceed twenty-five per cent. per annum. Provided also, that to minors, married women, insane persons, and persons beyond the sea, the time of redemption shall be extended to two years after the removal of

§ 5. On the sale of any lot, block or parcel of ground for the taxes as aforesaid, the collector or other person authorized to make the sale, shall make to the purchaser a similar deed or certificate to that required by law, to be given by sheriffs for lands sold for taxes, for which such collector or person making the sale shall receive a compensation from the purchaser, not exceeding that allowed to sheriffs, and such deed or certificate shall be acknowledged before some judge or justice of the peace, in the same manner as deeds made by sheriffs for lands thus sold, and when so acknowledged, the same shall be recorded by the recorder of the county of Pike, on application of the person holding the deed, in like manner and with like effect as any other deeds, and for which the same fees shall be charged by the recorder as for other similar services.

§ 6. In addition to the other provisions granted in the act to which this refers, in section first, the chairman of the board of trustees shall have power to administer oaths and affirmations, and to take the acknowledgment of deeds, mortgages, and other conveyances and the relinquishment of dower, for which he may charge and receive the same fees as those allowed to justices of the peace for similar services. But before the chairman aforesaid shall exercise the powers mentioned in the last section, he shall procure a certificate of his election as chairman aforesaid, signed by at least three members of the board of trustees, and certified by their clerk or secretary, which certificate shall be by him recorded among the records of the county aforesaid, as evidence of his election as chairman aforesaid.

§ 7. If such chairman shall exercise the powers mentioned in the last section, before having his certificate of election thus recorded, he shall be subject to the same penalties to be recovered in the same manner, as those imposed on justices of the peace, for exercising similar powers before being qualified. But this section shall not be so construed as to require such certificate to be recorded before performing the ordinary duties of a trustee or chairman of board of trustees.

This act to be in force from and after the passage thereof.

APPROVED, January 31, 1845.

INCORPORATIONS.

AN ACT to repeal the 13th section of an act to incorporate the St. Charles and St. Louis Turnpike Company.

The 13th section of an act approved Feb'y. 12th, 1841, entitled, "An act to incorporate the St. Charles and St. Louis Turnpike company," repealed. § 1.

Be it enacted by the General Assembly of the State of Missouri as follows :

§ 1. The thirteenth section of the act approved February 12th, 1841, entitled, "An Act to incorporate the St. Charles and St. Louis Turnpike

company," be and the same is hereby repealed, and the said act is continued in force in the same manner as if said section had never been a part of said law.

This act shall take effect from its passage.

APPROVED, January 31, 1845.

INCORPORATIONS.

AN ACT supplementary to an act to incorporate the City of Warsaw, approved February 23d, 1843.

Persons within corporate bounds of Warsaw, entitled to certain exemptions. § 1.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the inhabitants within the bounds of the corporate limits of the City of Warsaw, subject to work upon roads and highways, are hereby exempted from working upon any road or highway, within the limits of said city.

This act shall take effect from and after its passage.

APPROVED, Feb. 1st, 1845.

INCORPORATIONS.

AN ACT to incorporate the town of Hermann, in Gasconade county.

SECTION.	SECTION.
Boundaries,—Corporate powers,	1 the same time with trustees, if vacancy,
Powers of incorporation—in whom vested	justice of peace may order special election
—board of trustees, its powers and duties	2 within ten days, trustees to fill vacancies
Trustees to be sworn before entering on discharge of duties, oath to be endorsed on certificate of election and filed—board to assemble, when—shall choose a chairman and clerk—shall fix time of regular meetings—may be convened by chairman, who shall assign cause—if chairman absent, how convened—style of ordinance,	3 until election—board to appoint certain officers and prescribe their duties, compensation—appointees, duties of,
Additional powers of board of trustees,	4 Further powers of trustees,
Election for trustees—when held—by whom conducted—in case of failure, proceedings—qualification of electors,	5 Persons failing to pay tax, proceedings thereon,
Exclusive powers of board of trustees—duties devolving therefrom,	6 Powers of trustees in establishing, opening, and widening streets, if objections are made, proceedings,
Assessor, collector and constables elected at	7 Citizens within corporation, entitled to certain exemptions,
	8 Fines, forfeitures, &c., how recovered,
	9 On the first Monday in March in each year chairman to make and publish financial condition of corporation,
	10
	11
	12
	13

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the district of country known by the name of the town of Hermann, shall be and continue a body politic and corporate, lying within the following limits, to wit: beginning at a point in the middle of the channel of the Missouri river, due north from the quarter section corner between sections twenty-six (26) and thirty-five, (35) township forty-six (46) north, range five (5) west of the fifth principal meridian; thence running due south to the north west corner of the south west quarter of the north east quarter of section thirty-five, (35) township forty-six, (46) north, range five (5) west of the fifth principal meridian; thence running due east forty chains; thence due south twenty chains; thence due west forty chains; thence due south twenty chains; thence due east eighty chains; thence due north twenty chains; thence due east twenty chains; thence due north to the middle of the channel of the Missouri river, and along the channel back to the beginning. By that name the inhabitants of said town and their successors, shall be known in law; have continual succession; may sue and be sued; plead and be impleaded; defend and be defended, in all courts of law and equity, and in all matters may purchase, receive and hold property, real and personal, within the limits of said town, as shall be necessary for said town in the exercise of her corporate powers, and may lease, sell and dispose of the same for the benefit of said town, may have a common seal and may alter the same.

§ 2. The corporate powers of said town shall be vested in a board of trustees, to consist of five members, to be chosen by the qualified voters of said town, any three of whom shall be a quorum to do business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members; they shall judge of their (the) qualifications and returns of their own members, determine contested elections, make rules and by laws for their own government, punish any member or other person for disorderly behavior in their presence, while sitting as a board, and with the concurrence of four of the members, may expel any member, after he has had a due hearing in defence, if he desire it, but they shall not expel any member the second time for the same cause. They shall keep a journal of their proceedings, and at the request of any member, enter the ayes and nays in the journal, on any question, and all their proceedings shall be public.

§ 3. Every trustee, before entering upon the duties of his office, shall take an oath or affirmation to support the constitution of the United States, and of this State, and faithfully to demean himself in office, a certificate of which oath shall be endorsed on the certificate of his election, and filed by the clerk of the board. The board of trustees shall assemble within ten days after their election, and choose one of their members chairman, and some other person, not of their number, as a clerk; and shall, by ordinance, fix the time and place of holding their stated meetings, but may be convened by their chairman, at any other time, and he shall inform them of the cause of their being convened, or if said chairman shall be absent or refuse

to convene said board of trustees, if requisite, four members shall have a right to convene and do business as a board aforesaid. The style of their ordinance shall be, "Be it ordained by the board of trustees of the town of Hermann,"

§ 4. Said board of trustees shall have power to pass by laws and ordinances to prevent and remove nuisances, to prohibit gambling and gaming houses, to license, regulate and prohibit theatrical or other amusements, to license, merchants, grocers, pedlars, auctioneers, inn, tavern and coffee house keepers, and all taxes raised from such licenses shall be paid to said board and applied to the improvement of said town; to prevent or restrain the meeting of slaves, the firing of fire arms, to regulate and establish markets, to erect and repair bridges, to open, establish, widen, extend and repair streets, avenues, lanes, alleys, public squares, to drain sewers and to keep the same clear, to graduate, pave and improve the streets of said town, to erect, repair wharves, by the inhabitants thereof; and if any of them shall fail or refuse to perform the part assigned to them, the trustees may hire the same to be done, and levy and collect the price thereof, on the person so failing or refusing, and they shall also have power to cause the proportionate part of such erecting and clearing to be done for account of non-resident lot owners, and the price thereof to be levied and collected as aforesaid, and if it cannot be otherwise recovered, the trustees may have such lot or lots or any part thereof sold, to defray the expenses of such improvements in such manner as said board may by ordinance provide; to prevent the furious and unnecessary running, galloping, riding or driving any horse or mule within said town, or such part thereof as they may think proper to prohibit, the running of hogs at large, and other stock within the incorporated limits of the town, or such parts thereof as the board of trustees may think proper; to establish night watches and patrols; to suppress bawdy and other disorderly houses within the limits of said town; to erect and maintain hospitals; to prevent the introduction of contagious diseases, and to secure the general health of the town; to provide for the extinguishing of fire; to erect school houses: to keep the same in good repair and to provide for the education of children in said town; to levy and collect taxes upon real and personal property in said town, but shall not impose a tax at a higher rate than one-half of one per cent. on the assessed value of the property; to fix the rate of wharfage; to regulate the landing and stationing of steamboats, rafts and water crafts; to provide for the inspection of lumber, building materials and provisions to be used, or offered for sale in said town, to be exported therefrom; to borrow money if it be necessary for paving or grading the streets, erecting warehouses, supplying water or making other public improvements in said town; to pass such ordinances for the regulation and police of said town as said trustees may think necessary, not contrary to the laws of the land, and said board of trustees shall have power to pass all ordinances to carry into effect the object of this act and the powers herein granted, as the good of the inhabitants may require, and to impose fines and penalties for the breach of their ordinances.

§ 5. An election shall be held in said town under the inspection of three judges, chosen by the citizens on the first Monday in April next, for the election of trustees, and on the same day every year thereafter, and the trus-

tees elected shall hold their office for one year, and until their successors are qualified. Elections held for trustees after the first election, shall be conducted by three judges appointed by the board of trustees and all elections for trustees shall be in all respects conducted as other elections and the qualifications of electors and persons to be elected to be determined by the general law respecting towns, as far as practicable, and should any regular election fail, any justice of the peace may appoint judges, and issue an order for holding an election for trustees, at some specified time and place, to be conducted as above provided, and vacancies in said board of trustees shall be filled by a special election, ordered by the chairman, as directed by the general law respecting towns.

§ 6. Said board of trustees shall have exclusive power to license and regulate ferries in said town; to fix the rate of ferriage, take sufficient bond and security from ferrymen, and all taxes raised from ferry license shall be paid to said board and applied to the improvement of the landing, and said trustees may provide suitable landings for ferries, and keep them in good repair.

§ 7. The qualified voters of said town shall elect an assessor, collector and one or more constables at the same time, place and manner of electing the board of trustees; should a vacancy occur in any such offices any justice of the peace may order a special election within ten days after such vacancy shall have occurred; the special election to be conducted in the same manner as other general elections. The board of trustees shall have power to fill such vacancies until an election shall be held, and the person or persons elected shall be sworn in and enter upon the duties of their office. The board shall appoint an inspector, treasurer and such other officers and agents as may be necessary, and shall by ordinance prescribe their duties, compensation and tenure in office, and shall take sufficient bond and security of any such officers when requisite and require them to take an oath for the faithful performance of their duties.

§ 8. Said trustees shall have power to regulate the clearing of chimneys and fix the fees thereof; to regulate and order partition and parapet walls and partition fences; to have the foot ways and side walks of the streets paved at the expense of the owners or occupiers of the lots fronting on such paved side walks, and if said owner or occupier fail to pave the same as directed by ordinance, said trustees shall pave the same and recover the full expense thereof from such owner or occupier, by action of debt, before any court of competent jurisdiction, and if any tenant be required to pave in front of the property occupied by him, the expense thereof shall be a good offset against so much of the rent due the owner, but no tenant shall be required to expend more than the rent for the term for which he occupied the property. If any person who is a non-resident, fail to pave in front of his property in the manner and time prescribed by ordinance, or if any person who is a resident fail to pave as aforesaid, and the expense of paving cannot be otherwise recovered from him, the trustees may have such lot or any part thereof sold to pay the expenses of said improvement in such manner as said board may by ordinance prescribe; provided that such person, whether resident or

non-resident, whose property has been sold under the provisions of this act, shall have the right to redeem the same within two years from the date of such sale, by paying the full amount of the taxes and costs due thereon, together with the interest, at the rate of fifteen per cent. per annum.

§ 9. If any person or persons fail to pay the tax levied upon his or their real or personal property, the town collector may recover the same by action of debt, before any justice of the peace, in the name of the corporation, and may in like manner collect the amount of taxes due from any non-resident, from the tenant of the property of such non-resident, but no tenant shall be compelled to pay more than the rent of said property, and the amount thus paid by him shall be a good offset against the owner of the property, and if such non-residents taxes be not otherwise paid, the property may be sold to pay the same, at public sale, in such manner as the board of trustees shall by ordinance provide.

§ 10. That the board of trustees shall have power to establish, open, widen and extend the streets, alleys, avenues and lanes within said town, and to regulate, pave and improve the same, and when it shall be necessary to take private property for a public street, alleys, lanes or avenues, a just compensation shall be made therefor, and when such amount of compensation shall not be agreed upon between the board and the person injured, the chairman shall cause an inquest thereof to be made by a jury of twelve good and lawful men, freeholders of said town, not directly interested, who being duly sworn by the chairman, shall estimate and assess the damages which would be sustained by the person or persons, and shall return the verdict under their hands to the chairman, and the board of trustees may provide by ordinance for forcing the payment of such assessment; and the chairman shall have power, for good cause shown, within ten days after the return of any inquest to him in virtue of this section, to set aside the same and have a new inquest taken, and the board shall have power to provide by ordinance for the assessment and payment of reasonable fees to the jury and constable thereof.

§ 11. That all citizens within the incorporated limits of said town, shall be exempt from working upon any road or roads beyond the limits of said corporation, or from any tax to procure laborers to work upon said road or roads.

§ 12. All fines, forfeitures, rents and debts accruing to the inhabitants of said town, may be recovered by action of debt, before any justice of the peace or as all other debts, subject to appeal, and any person living in said town, shall be competent as witnesses and jurors in the trial of suits, but any defendant, on request, may have a jury of persons living in the country, and a warrant may be granted to bring any person forthwith for trial before a justice of the peace for a breach of any ordinance of said town, if it appear that there would be danger of losing such a claim, debt or fine, if such warrant were not issued. It shall be the duty of the chairman to cause all ordinances passed by them to be published in such manner as shall by ordinance be directed.

§ 13. The chairman of such board, on the first Monday in March, each

year, shall make a full and true statement of monies received and expended, on account of said town, during the preceding year; and shall, within fifteen days, publish said statement, either in a newspaper, if there be one published in said town, or in six public places therein, and if he fail to do so, he shall forfeit fifty dollars for the benefit of said town.

§ 14. This act shall take effect from its passage.

APPROVED, Feb. 4, 1845.

INCORPORATIONS.]

AN ACT to incorporate the Western Light Lodge Number Six of the Independent Order of Odd Fellows of Weston, Platte county, Missouri.

SECTION.	SECTION.
Independent Order of Odd Fellows, trustees of; style of the association; its powers,	ation, Legislature reserves the right of altering, 2
May use a seal or not, at option of associ-	or repealing charter, 3 Act to become void, on certain conditions, 4

Be it enacted by the General Assembly of the State of Missouri as follows:

§ 1. That James C. Ogden, Anthony Kerr, Joseph C. Ranson, Henry M. Wilson, William B. Barnett, William F. Belser, and Nathaniel Burrows, as trustees, and their regular successors of the Western Light Lodge, Number Six, of the Independent Order of Odd Fellows of Weston, Platte county, Missouri, be and they are hereby created a body politic and corporate, by the name and style of "The Western Light Lodge Number Six, of the Independent Order of Odd Fellows of Weston, Platte county, Missouri;" and by that name are hereby invested with full power and authority to purchase, acquire, hold, possess, use, and occupy and enjoy real and personal estate, to the amount of five thousand dollars; and to sell and convey, and otherwise dispose of the same, in such way and manner as may be prescribed by the by-laws, rules and regulations of said Lodge: *Provided*, such by-laws, rules and regulations, be not contrary to the constitution or laws of this State and of the United States; and the said corporation, by its name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places in this State: *Provided*, that the powers hereby granted shall not be used for banking purposes, or the insuring of property in any manner, direct or indirect, whatsoever.

§ 2. That said corporation may at their option, have and use a common seal, and may alter the same at the pleasure of said lodge.

§ 3. That the right of any future Legislature, to alter, amend, or repeal this act, is reserved.

§ 4. That this act shall become void, if the members of said lodge, or

their successors, shall cease or fail to exist as a regularly organized body for the space of five years consecutive at any one time.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 6, 1845.

INCORPORATIONS.

AN ACT to incorporate the Missouri Institute of Sciences.

	SECTION.		SECTION.
The Missouri Institute of Sciences, established,	1	Trustees to take and receive stock by subscription, any person subscribing and refusing or failing to pay, proceedings,	6
Declared to be a body politic and corporate, style and powers of the incorporation,	2	Trustees to cause to be built, or procure suitable buildings in St. Louis, when—	
Powers of the trustees,	3	a majority constituting a quorum,	
Trustees, constituted a board, powers and duties of,	4	Meetings of the trustees, how often, and when. Special meetings, how called,	8
Treasurer, his duties,	5		

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. An Institution is hereby established in the city of St. Louis, in St. Louis county, to be called "The Missouri Institute of Sciences."

§ 2. That Thomas Watson, William Milburn, Robert Kyle, J. N. McDowell, and James Gordon, be and they are hereby, constituted a body corporate and politic, by the name and style of "the Trustees of the Missouri Institute of Sciences;" and by that name shall have perpetual succession, and a common seal; may contract and be contracted with; may sue and be sued, implead and be impleaded, in any court of law and equity.

§ 3. The trustees of said Institution shall have power to grant the degrees usually granted in any Academy or University, and shall have power to purchase, receive and hold to them, and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which may be purchased or given or devised to them, for the use of said Institution; and to lease, rent or otherwise dispose of the same, in such manner as may seem most conducive to the advantage of said Institution; but the concurrence of a majority of the trustees shall be necessary for the sale of any real estate belonging to said Institution.

§ 4. The said trustees, or their successors, or any three of them, shall constitute a board, with power to appoint a president, professors, tutors, librarian and treasurer, or such of them, and such other officers, as may be necessary; and shall have power, from time to time, to make such by-laws, rules and regulations, not contrary to the constitution of the United States, and laws and constitution of this State, as they may deem necessary, for the government of said institution, and supply vacancies in the board occasioned by death or resignation.

§ 5. The treasurer shall receive all moneys accruing to the said Institution, and property delivered to his care; and pay or deliver the same to the order of the trustees of said Institution, or any of them; and before he shall enter upon the discharge of his duties, shall enter into bond and security in such sum as the trustees of said institution, or any three of them, shall direct, payable to them or their successors, conditioned for the faithful performance of his duties, under such rules and regulations as may by them be adopted; and for any breach of the covenants in said bond, the said trustees, or their successors, may recover a judgment, on motion, against said treasurer, his securities or administrators, in any court having jurisdiction of the same, ten days notice of an intention to make such motion having been given said treasurer.

§ 6. The said trustees, or any of them, shall have power to take and receive subscription for the use of said Institution; and in case any person shall fail to comply with his or her subscriptions, and pay the same, to enforce the payment thereof before any court having jurisdiction of the case.

§ 7. So soon as a sufficient amount of funds are raised by subscription or otherwise, the trustees of said institution shall procure a suitable house, or cause to be erected a suitable building or buildings, at such place in said city of St. Louis as they may deem proper. A majority of said trustees shall form a quorum to do business.

§ 8. The trustees of said Institution shall hold semi-annual meetings, on the first Mondays of March and September. Any three of said trustees may call a special meeting at any time by setting up notices, in writing, at three public places in the county, five days previous to the day of meeting.

APPROVED, Feb. 6, 1845.

INCORPORATIONS.

AN ACT to extend the corporate limits of the town of Columbia, in Boone county, and for other purposes.

SECTION.

Boundaries to additions : proviso, respecting taxes,
The constable or marshal appointed by the trustees, his powers and duties,
Persons residing within corporate limits, entitled to certain exemptions,
Annual duty of chairman on first Monday in March,
Duties of justices of the peace of the same municipal township, on application of constable or marshal,

1
2
3
4
5

No by-law or ordinance to be passed, interfering with any by-law, or regulation of the Curators of Faculty of University. Certain restrictions on poll and property tax. Streets and alleys not to be opened on grounds retained for University.
The corporate powers herein granted, in addition to those heretofore conferred upon towns incorporated by county courts,

SECTION.

6
7

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The town of Columbia, as heretofore established, is hereby enlarged and extended so as to include within its corporate limits all the land within the following boundary, viz: Beginning at the southwest corner of the town as originally laid out, and proceeding thence due south to a point directly west of the west end of the line that runs between the eleven acre lots of ground, known in the deed of division of the Columbia, formerly Smithton tract of land of record in the Recorder's office in Boone county, as in-lots number 17, 18, 19 and 20, on the right hand, and 34, 28, 27 and 7 on the left hand; thence due east to the west end of said line, and then along it to the range line running between ranges 12 and 13; thence north on said range line to the northeast corner of the in-lot heretofore mentioned number 7; thence due east one eighth of a mile; thence due north to a point directly east of the northeast corner of the eleven acre lot known in the deed of division aforesaid as in-lot number 24; thence due west to the said north-east corner of the in-lot last mentioned; thence west on the north lines of in-lots known in the deed of division heretofore referred to as numbers 24, 32, 26, 23, and 4, to a point directly north of the northwest corner of the town as originally laid out; thence south to the aforesaid north west corner of the town; thence still south on the west line of the town to the place of beginning: *Provided, however,* that no taxes shall be levied by virtue of this act by the board of trustees of the inhabitants of said town, on any person or property within the limits of the additions hereby made to the town aforesaid, for the purpose of paying any debt now contracted by the corporate authorities of the town aforesaid, and due or to become due, unless [until] said debt is liquidated and discharged.

§ 2. The constable or marshal appointed by the trustees of the inhabitants of the town of Columbia, giving bond and ample security for the faithful performance of his duties, is hereby authorized hereafter to execute all orders and process arising under the ordinances of said town, and who within the corporate limits of said town shall have concurrent power with the constable of the municipal township in which the said town is situated, to execute all orders, notices, writs and other process, and duties that may be executed by the constable of the said township, with like effect, and shall receive the same fees therefor.

§ 3. That all persons residing within the corporate limits of the aforesaid town, shall hereafter be exempted from working on roads without the corporate limits of said town, and from paying any tax or fine relating to the same.

§ 4. The chairman of the board of trustees of the inhabitants of the town aforesaid, shall on the first Monday in every March only, make out a full and true statement of all moneys received and expended on account of said town during the preceding year, and within fifteen days thereafter he shall cause the said statement to be published in some newspaper printed in the town aforesaid, otherwise he shall cause it to be published in manuscript form, set up in two public places in said town.

§ 5. It shall be the duty of every justice of the peace living in the same

municipal township in which Columbia is situated, upon application by the town constable or marshal, to issue a warrant to bring any person forthwith to trial, before the justice granting the same, for the breach of any ordinance of said town, if it appear that there is danger of losing any claim, debt or fine, if such warrant be not issued; every such application shall be sustained by the affidavit of the person making the same.

§ 6. No by-law or ordinance of the corporate authorities of said town, and no police regulations of said authorities shall be passed, and no powers of the officers of the said corporation shall be exercised so as to interfere with any by-law or regulation of the Curators or Faculty of the University of Missouri; and no poll tax, nor any tax upon property within the limits of the grounds of said University, owned or held by any student of said University, resident within the limits of the grounds of said University, shall be imposed upon any such student or such property by the corporate authorities of said town; nor shall any street or alley, by the authorities aforesaid, be located upon, or extended into, any grounds retained for the use of said University.

§ 7. The powers herein granted to the corporate authorities of the town of Columbia, are in addition to those heretofore conferred upon towns incorporated by county courts.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 15, 1845.

INCORPORATIONS.

AN ACT to amend an act to incorporate the Boonville Fire Company, approved February eleventh, eighteen hundred and thirty-nine.

Number of Company to be increased from twenty-five to fifty, and so much of the act of which this is amendatory, as limits the number to twenty-five, repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the number of the said company shall be increased from twenty-five to fifty; and that so much of the first section of the act to which this is an amendment, which limits the number of the fire company of Boonville to twenty-five, is hereby repealed.

This act shall take effect from its passage.

APPROVED, Feb. 19, 1845.

INCORPORATIONS.

AN ACT to incorporate the Fire-Wardens of the City of St. Louis.

	SECTION		SECTION
Style of the incorporation; its powers and duties	1	what manner	4
Limitation to number of company	2	This act to take effect from its passage.	
Duties of the members of company. Powers and authorities conferred on members	3	Corporation to continue in force, upon what conditions. General Assembly may alter or repeal	5
Members entitled to certain exemptions, in			

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That William Risley, H. Von Phul, E. Klein, N. Ranney, John D. Daggett, Edward Walsh, George Collier, Nathan D. Allen, H. Shurlds, Isaac B. Thomas, Louis T. Labeaume, John Whitehill, D. Hough, J. G. Lindell, L. A. Bennoist, Thomas J. Meier, John Leach, A. H. Evans, P. Chouteau, jr., Robert P. Clark, J. B. Brant, Daniel D. Page, John B. Sarpy, N. E. Janney, William Renshaw, A. Christy, Ferdinand Kennett, Lyman Farewell, John Simonds, J. R. Standford, John Cavender, William M. Morrison, G. R. McGunnegle, William Bayliss, Augustus Kerr, Edward Tracey, Francis Jones, Martin Simpson, John Pitcher, A. M. Swart, William Vandeventer, C. M. Valleam, Peter L. Vandeventer, S. V. Farnsworth, and A. R. Everist, of the city and county of St. Louis, their associates and successors be, and hereby are ordained, constituted and declared to be a body corporate and politic, by the name and style of "Fire-wardens of the City of St. Louis," and by that name to have continual succession, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and may have a common seal, and change, alter and break the same at pleasure, and that they may be capable in law of acquiring, holding and conveying so much property, real, personal and mixed, as may be necessary and requisite in furtherance of the objects of the company, and may make and establish, from time to time, such constitution, by-laws and regulations, not inconsistent with the constitution and laws of the State of Missouri, as may be necessary or convenient in furthering the objects of the company, and in the government of the same.

§ 2. The company shall at no time consist of a number larger than the number of twenty-five men for each ward of the city of St. Louis, but may be increased in the same ratio for each ward that may be hereafter made in or added to the city.

§ 3. It shall be the duty of the members of this company to attend all fires that may occur in the city of St. Louis, and within reasonable distance therefrom, and to labor diligently and faithfully to rescue and secure property from fire and from thieves and incendiaries, and to preserve peace and order in the neighborhood of fires; and that they may more effectually fulfil these requirements, it is hereby further declared that the members of this company, when in the performance of their duties at

fires, shall exercise the same power and authority as is given by law to police officers and constables, and may, without warrant or other authority, arrest and secure all persons engaged in stealing, destroying or wilfully injuring property, or in incendiary or other criminal acts, and may use all lawful means to quell riots and disturbances, and to preserve the peace in the neighborhood of fires, but their authority shall not extend to any other times or places.

§ 4. The members of this company shall be exempt from service on juries during their continuance as members, and a certificate signed by the secretary of the company, with or without seal, certifying to their membership, shall be competent evidence of the fact, but each certificate shall specify the length of time for which it is granted, and shall in no case be for a longer period than one year from its date, and from time to time new certificates of membership shall be granted only to active and faithful members, and shall be denied to every member who shall have failed to perform the duties required by this act, and by the rules and regulations of the company, unless satisfactory excuse shall be given for such failure of duty.

§ 5. This act shall take effect and be in force from and after its passage; and the corporation hereby created shall continue in force so long as it shall faithfully and beneficially fulfil the object and intention of its creation, but the General Assembly may at any and all times alter or repeal the same.

APPROVED, Feb. 20, 1845.

INCORPORATIONS.

AN ACT to incorporate the City of Hannibal.

ARTICLE I.

Of boundaries and general powers.

	SECTION.		SECTION
Style of incorporation, its powers	1	division shall be made prescribed	3
Boundaries	2	How other lands may be included in said	
Board to divide town into wards, describing		corporation	4
boundaries thereof, manner in which		Powers of said incorporation	5

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the inhabitants of the town of Hannibal, in the county of Marion and State of Missouri, be and they are hereby constituted a body politic and corporate, by the name and style of the City of Hannibal, and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that portion of fractional township No. 57, north of range No. 4 west, according to the United States survey, in said county of Marion, within the following boundaries, is hereby declared to be within the cor-

porate limits of the city, to wit: Beginning at a point in the middle of the channel of the Mississippi river, due east from the intersection of the section line between sections twenty-nine and thirty-two, twenty-eight and thirty-three, and twenty-seven and thirty-four, in said township, with the said river Mississippi; thence west with and on said last described section line to the section line between sections twenty-nine and thirty, at the south-west corner of said section twenty-nine; thence north with said section line between twenty-nine and thirty, one half mile; thence east to the middle of section twenty-nine, (29); thence north with and on the line passing through the middle of section No. 20, to the Mississippi river, and continuing due north to the middle of the main channel of said river; thence southwardly in the middle of the main channel of said river to the point of beginning.

§ 3. The present board of trustees of the town of Hannibal *shall* on or before the first day of March next, divide the said town of Hannibal into three wards, particularly describing the boundaries thereof, and as nearly equal in population as practicable; provided that the same shall be done by ordinance, and the said wards *shall* be laid off as nearly parallel with the river as the streets will permit, and provided also that that portion of the town south of Bear creek may be included in the second or third ward from the river.

§ 4. Whenever any tract of land adjoining the city of Hannibal shall have been laid off into town lots and duly recorded as required by law, the same shall be annexed to and form a part of the corporate limits of the city of Hannibal.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever, to purchase, receive and hold property, real and personal, in said city, to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds, or for other public purposes, for the use of the inhabitants of said city, to sell, lease; convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and all public grounds, squares and landings, and to do all other things in relation thereto as natural persons.

ARTICLE II.

Of the City Council.

SECTION.		SECTION.	
City council, consisting of	1	Majority of council a quorum, smaller number may adjourn and compel the attendance of absentees	6
The board of council, when and how chosen—serve one year	2		
Qualification of councillors	3	Council to determine the rule of its proceedings, punish members and expel	7
Office of councillor vacated by removing out of ward	4	Journal to be kept, what to be entered	8
Council to judge of qualifications of electors, of the return of members, and determine contested elections	5	City authorities shall not appoint councilman to any other office during period for which he was elected.	9

	SECTION.		SECTION
Vacancies, how filled	10	In case of a tie mayor to determine by lot	12
Mayor and councilmen to be sworn before entering upon the duties of office	11	Number of annual stated meetings, times and places prescribed by ordinance	13

§ 1. There shall be a city council, consisting of a mayor and board of council.

§ 2. The board of council shall consist of six members, to be chosen by the qualified voters of the city annually, and shall serve one year.

§ 3. No person shall be eligible to be a member of the city council until he shall have resided twelve months within the limits of the corporation, and paid a town or city tax, and shall be, at the time of his election, not less than twenty-one years of age, and a citizen of the United States.

§ 4. If any councilman shall, after his election, remove from the ward for which he was elected in said city, his office shall thereby be vacated.

§ 5. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

§ 6. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

§ 7. The city council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

§ 8. The city council shall keep a journal of its proceedings, and from time to time publish the same, and the yeas and nays, when demanded by any member present, shall be entered on the journal.

§ 9. No councilman shall be appointed to any office under the authority of the city, during the term for which he was elected.

§ 10. All vacancies that shall occur in the board of council shall be filled by election by the people.

§ 11. The mayor and each member of the council, before entering upon the duties of their office, shall take and subscribe an oath "that they will support the constitution of the United States and of this State, and that they will well and truly perform the duties of their office, to the best of their skill and abilities."

§ 12. Whenever there shall be a tie in the election of councilmen, the judges of election shall certify the same to the mayor, who shall determine the same by lot in such manner as shall be provided by ordinance.

§ 13. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance.

ARTICLE III.

Of the chief Executive officer.

	SECTION.		SECTION.
Mayor, chief executive officer, hold his office for one year			1.

	SECTION		SECTION
Mayor, who eligible	2	Contested election of mayor, how determined	5
Office of mayor, how vacated	3	Office of mayor when vacated, how filled	6
A tie in election for mayor, how determined	4		

§ 1. The chief executive officer of the city shall be a mayor who shall be elected by the qualified voters of the city, and shall hold his office for one year.

§ 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city or town corporation for two years next preceding his election, or who shall be under twenty-one years of age, or who shall not at the time of his election, be a citizen of the United States.

§ 3. If any mayor shall, during the time for which he shall have been elected, remove from the city his office shall be vacated.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

§ 5. Whenever an election of mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance.

§ 6. Whenever any vacancy shall occur in the office of mayor, it shall be filled by election by the people by ballot.

ARTICLE IV.

Of Elections.

	SECTION.		SECTION
Regular elections, when held; trustees order first election under this act; further duties	1	Qualification of electors	2
		Elections, by ballot	3

§ 1. All regular elections for mayor, councilmen, recorder, assessor and marshal, and such other officers as may be made elective by ordinance, shall be held on the first Monday in April of each year, and the trustees at the time of the passage of this act, shall provide and order the first election under it, on the first Monday in April thereafter, or as soon thereafter as may be, after its promulgation or publication. *Provided* that a failure for any cause to hold elections at any time prescribed by this act, shall not vitiate any powers, privileges, rights, or ordinances passed in conformity to this act, and, *Provided further*, that all officers elected under this charter, at the first election, shall be deemed to be elected and to serve until the first Monday in April thereafter, and until their successors are duly elected and qualified; the first and all subsequent elections shall be held, conducted, and returns thereof made in conformity to ordinance, and the present trustees of the town shall provide for the said first election.

§ 2. All free white male inhabitants over the age of twenty-one years,

who are entitled to vote for State officers, who shall have resided in the city six months next preceding such election, and who shall have paid a town or city tax for the previous year, shall be entitled to vote for all city officers.

§ 3. All elections shall be by ballot for city officers.

ARTICLE V.

Of the legislative powers of the City Council.

SECTION.		SECTION.	
Powers of city council	1	tain houses	23
City council to appoint certain officers	2	City council may organize and establish fire companies	24
All officers appointed or elected to give City council, power to establish common schools; to borrow money on conditions	3	" regulate or prohibit the erection of certain kinds of buildings	25
City council to appropriate money and pay debts and expenses of city	4	" regulate chimneys	26
City council may make quarantine laws	5	" regulate the storage of gun-powder and other combustibles	27
" establish work and poor houses and regulate the same	6	" regulate walls and fences	28
" remove nuisances, &c.	7	" establish standard weights and measures in certain cases	29
" erect hydrants and pumps	8	" provide for inspection of lumber, &c.	30
" open, alter, abolish, widen, extend and establish streets, &c.	9	" provide for inspection of hay, measuring coal, &c.	31
" establish bridges	10	" increase number of councilmen, under certain restrictions	32
" divide the city into wards	11	" provide for taking city census	33
" provide for lighting streets	12	" regulate the election of city officers, and removals in certain cases	34
" regulate weights and measures	13	" fix compensation of city officers, regulate fees in certain cases	35
" establish markets and regulate the same	14	" regulate police, impose fines, &c., and provide for their recovery	36
" erect all useful buildings for city	15	Exclusive privileges of city council	37
" enclose and regulate public grounds of city	16	City council may have power to render effective the grants in this act	38
" improve navigation of Mississippi within certain limits	17	Style of city ordinances	39
" erect and regulate wharves	18	Ordinances to be published in given time—in force, how long	40
" license, tax and regulate auctioneers, merchants, &c.	19	Ordinances, how authenticated	41
" tax hacks, waggons, carts, drays, &c.	20		
" regulate porters	21		
" tax and regulate theatrical and other amusements	22		
" tax, restrain and prohibit cer-			

§ 1. The city council shall have power to levy and collect taxes upon all property, real and personal, within the limits of the city, not to exceed one half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner, to be provided by ordinance, not repugnant to the constitution of the United States and of this State.

§ 2. The city council shall have power to appoint a clerk, treasurer,

supervisors of streets, and all such other officers as may be necessary, not herein provided for.

§ 3. The city council shall have power to require of all officers appointed or elected in pursuance of this charter, bond with penalty and security for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed or elected as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to establish, support and regulate common schools; to borrow money on the credit of the city. *Provided*, that no sum or sums of money shall be borrowed at a greater interest than eight per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real property within the limits of the corporation; and in the transaction of business to grant evidences of debt, by certificate or otherwise, and to receive and hold the same from any person or party authorized by the laws of this State to execute and make such evidences.

§ 4. To appropriate money, and provide for the payment of the debt and expenses of the city.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws for that purpose, and enforce the same within five miles of the city.

§ 6. To establish hospitals, and work houses, and poor houses, and make regulations for the government of the same.

§ 7. To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

§ 8. To provide the city with water, to erect hydrants and pumps in the streets for the convenience of the inhabitants.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair, streets, lanes, avenues and alleys.

§ 10. To establish, erect, and keep in repair bridges.

§ 11. To divide the city into wards, alter the boundaries thereof, as they may deem necessary, in conformity to section 3d of Article 1st.

§ 12. To provide for lighting the streets and erecting lamp posts.

§ 13. To establish, support and regulate night watches.

§ 14. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

§ 15. To provide for the erection of all needful buildings for the use of the city.

§ 16. To provide for inclosing, improving and regulating all public grounds belonging to the city.

§ 17. To improve and preserve the navigation of the Mississippi river within the limits of the city.

§ 18. To erect, repair and regulate public wharves and docks, to regulate the erection and repair of private wharves, and the rates of wharfage thereat.

§ 19. To license, tax and regulate auctioneers, merchants and retailers,

groceries, confectionaries, taverns, ordinaries, hawkers, pedlers, brokers, pawnbrokers and money changers.

§ 20. To license, regulate and tax hackney carriages, wagons, carts and drays, and all public vehicles; fix the rates to be charged for the carriage of persons, and for the wagonage, cartage, and drayage of property.

§ 21. To license and regulate porters and fix the rates of portorage.

§ 22. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

§ 23. To tax, restrain, prohibit and suppress tippling houses, dram shops, ten pin and ball alleys, bawdy and other disorderly houses.

§ 24. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

§ 25. To regulate or prohibit the erection of wooden buildings in any part of the city.

§ 26. To regulate the fixing of chimneys and fix the flues thereof.

§ 27. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

§ 28. To regulate and order parapet walls and partition fences.

§ 29. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases not otherwise provided for by law.

§ 30. To provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 31. To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, fire wood and other fuel to be sold or used within the city.

§ 32. To increase the number of councilmen, and apportion representation upon the basis of population among the wards; provided, that not more than two members shall be added in any one year, nor shall the number ever exceed twelve.

§ 33. To provide for taking enumeration of the inhabitants of the city.

§ 34. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance or under authority of this act.

§ 35. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance.

§ 36. To regulate the police of this city, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the collection and recovery of penalties and forfeitures in default of payment, by confinement and labor in the city workhouse.

§ 37. The city council shall have exclusive power within the city, by ordinance, to license, regulate and restrain the keeping of ferries, and to suppress and restrain billiard tables.

§ 38. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers spe-

cified in this act, so that such ordinances be not repugnant to, nor inconsistent with the constitution of the United States and of this State.

§ 39. The style of the ordinances of the city shall be, "Be it ordained by the city council of *the city of Hannibal*."

§ 40. All ordinances passed by the city council shall within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

§ 41. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in a book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

ARTICLE VI.

Of the Mayor.

	SECTION.		SECTION.
Mayor, to preside over council, have casting vote, &c.,	1	in pursuance of this act,	6
" and two councilmen may call meeting,	2	Mayor upon election of, proceedings thereon,	7
" duties of	3	" shall sign bills—veto power of mayor,	8
" may call on every male inhabitant, and call out militia in certain cases,	4	" jurisdiction over what places, how bestowed,	9
" may require an exhibit of books and papers of officers,	5	" compensation of,	10
" shall execute all ordinances made		" proceedings against for misconduct, &c.,	11

§ 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote, and no other. In case of non-attendance of the mayor at any meeting, the board of councilmen shall appoint one of their own members chairman, who shall preside at that meeting.

§ 2. The mayor, or any two councilmen, may call special meetings of the city council.

§ 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of said city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and violation of duty to be prosecuted and punished, he shall from time to time communicate to the council, such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, the health, security, the comfort and ornament of the city.

§ 4. He is hereby authorized to call on every male inhabitant, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call, shall forfeit to the said city a fine not exceeding five dollars.

§ 5. He shall have power, whenever he may deem it necessary, to require of any officer of said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

§ 7. Upon the election of Mayor, the board of council shall cause a certificate thereof to be made out and delivered to him, which certificate, with his official oath endorsed thereon, he shall within ten days thereafter have recorded in the proper office of the county for recording commissions of justices of the peace; and a neglect to qualify and record shall be deemed a refusal to accept; and the mayor shall by virtue of his office, be a conservator of the peace within the limits of the city, and shall be authorized to administer oaths, to take depositions and the acknowledgments of deeds, mortgages and all other instruments of writing affecting the titles of lands, and to certify the same under the seal of the city, which shall be received as good and valid throughout this State.

§ 8. Before any bill shall become an ordinance, or any resolution or order shall have authority, it shall be presented to and signed by the mayor. All bills, resolutions and orders passed by the board of council, shall be presented to the mayor, which after examination he shall sign and return; or if in his opinion it ought not to pass, he shall within thirty-one days return it to the board, with his written objections thereto, and upon the return of such bill, the fact thereof shall be entered upon the journal, and the board shall as soon as convenient proceed to reconsider it (under such rules as they may adopt for their government in such cases,) and having considered and passed upon it, if it be repassed, it shall again be presented to the mayor, who shall sign it, or refusing to do so, and failing to return it with his signature within two days, it shall thereby become an ordinance, or of sufficient authority as to resolution or order to be enforced.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

§ 10. The mayor shall receive for his services such salary as shall be fixed by an ordinance of the city; and in no event shall said salary exceed fifty dollars per annum for the first two years after the first election under this act.

§ 11. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Marion county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court, that he be removed from office.

ARTICLE VII.

Proceedings in special cases.

SECTION.		SECTION.	
Taking private property for public uses, proceedings thereon,	1	and cause new one to be made,	4
Where streets, alleys, &c., widened upon petition, no compensation allowed,	2	Council may levy and collect special tax in certain cases,	5
Juries to assess damages, proceedings,	3	Mayor and council may direct the manner of redeeming property sold for taxes, in certain cases,	6
Mayor, for cause, may set aside inquest,			

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken, and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be assessed by a jury of six disinterested persons, freeholders of the city.

§ 2. When the owners of all the property on the street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley upon conditions to be prescribed by ordinance, but no compensation shall in such cases be made for opening, widening or altering such street, lane, avenue or alley to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefit or damage that may accrue thereby to any of the petitioners.

§ 3. All jurors empannelled to enquire into the amount of benefit or damage which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect and shall return to the mayor their inquest in writing, signed by each juror.

§ 4. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside, and cause a new inquest to be made.

§ 5. The city council shall have power by ordinance to levy and collect a special tax on the holders of the lots in any street, lane, avenue or alley or part of any street, lane, avenue or alley according to their respective fronts, owned by them, for the purpose of paving and grading the side walks, and lighting such street, lane, avenue or alley.

§ 6. The mayor and city council shall have power by ordinance, to direct the manner in which any property, real or personal, advertised for sale or sold for taxes, by authority of the corporation, may be redeemed.

ARTICLE VIII.

Miscellaneous Provisions.

SECTION.		SECTION.	
Inhabitants of Hannibal entitled to certain		exemptions,	1

Where offenders fail or neglect to pay fines and forfeitures assessed against them, power and duties of council therein,	2	fore vested in the town of Hannibal, is vested in the corporation hereby created 10
On the erection and organization of workhouse in Hannibal, persons may be committed thereto, in what cases,	3	This charter not to invalidate and previous act of "the trustees," nor divest them of any right accruing previous to passage of this act, 11
Allowances to persons committed to workhouse, duties to, &c.,	4	On the passage of this act; immediate duties of trustees, 12
Mayor may remit fines,	5	Appeals allowed, where and how, 13
City council to cause certain annual publications relating to finance,	6	Duty of board on vacancy in office of mayor 14
Ordinances to remain in force until repealed,	7	This act a public act, 15
Suits and prosecutions brought by corporation, to be in the name of the "city of Hannibal,"	8	Acts or parts of acts coming within provisions of this charter, and inconsistent therewith, repealed, 16
Where fines and forfeitures have accrued, where vested, by whom prosecuted,	9	City marshal may execute writs, within what limits, 17
All property, privileges and rights heretofore		Charter may be altered or repealed by General Assembly, 18

§ 1. The inhabitants of the city of Hannibal are hereby exempted from working on any road beyond one mile from the public square, as now existing in the town of Hannibal, or from paying any tax to procure labor therefor, or for any county purposes; but the hands or force, liable under the laws of the State to work on roads, residing within the limits of the city or within the mile, as now provided, shall by ordinance open and keep in good travelling repair, all public roads, streets, lanes, avenues and alleys, which shall be deemed necessary for the public convenience, within the said one mile.

§ 2. The city council shall have power to provide for the punishment of offenders by imprisonment in the county jail or city work house, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 3. Whenever the city of Hannibal shall erect and organize a workhouse in said city, any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the city of Hannibal for any misdemeanor or breach of any ordinance of said city, shall, instead of being committed to the jail of the county, be committed to the workhouse until such fine and costs be fully paid; Provided, however, that no such imprisonment shall exceed ninety days.

§ 4. Every person so committed to the workhouse shall be required to work for the city, at such labor as his health and strength will permit, not exceeding ten hours in each day, and for such work and labor the person so employed shall be allowed, exclusive of his board, fifty cents per day for each day's work, which amount shall go towards paying such fine and costs.

§ 5. Nothing herein contained shall be so construed as to prevent the mayor of the city of Hannibal from remitting any fine or part of any fine imposed upon any person for a breach of any ordinance of the city of Hannibal.

§ 6. The city council shall cause to be published annually a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

§ 7. All ordinances and resolutions passed by the president and trustees of the town of Hannibal, shall remain in force until the same shall have been repealed by the city council hereby created.

§ 8. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the "City of Hannibal."

§ 9. All actions, fines and forfeitures, which have accrued to the President and trustees of the town of Hannibal, shall be vested in, and prosecuted by the corporation hereby created.

§ 10. All property, privileges and rights, real and personal, heretofore belonging to and vested in the town of Hannibal, or the county, for the use of the inhabitants of the said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

§ 11. This charter shall not invalidate any act done by the "trustees of the town of Hannibal," nor divest them of any right which may have accrued to them prior to the passage of this act.

§ 12. The trustees of the town of Hannibal, shall immediately after the passage of this act, take measures to promulgate this law, within the limits of the city of Hannibal, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers of said city, for four weeks in succession, prior to the day of election for said city officers.

§ 13. Appeals shall be allowed from all decisions, in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of the county of Marion, and every such appeal shall be taken and granted in the same manner and with like effect, as appeals are taken from and granted by justices of the peace, to the circuit court, under the laws of the State, the corporation of the city of Hannibal not being required to give security.

§ 14. Whenever the mayor shall absent himself from the city, or shall resign, or die, or his office shall be otherwise vacated, the board of council shall immediately proceed to elect one of their number President, who shall be mayor pro tem.

§ 15. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

§ 16. All acts or parts of acts, coming within the provisions of this charter, that are contrary to, or inconsistent with its provisions, are hereby repealed.

§ 17. The city marshal, or any other officer, authorized to execute writs or other process issued by the mayor, shall have power to execute the same any where within the limits of Marion county, and shall be entitled to the same fees as are allowed to constables, in similar cases.

§ 18. The General Assembly may at any time alter, amend or repeal this charter.

ARTICLE IX.

Of City Recorder.

	SECTION.	{	
Recorder, how, when, and for what time			elected.

SECTION.
1

Powers and duties of Recorder.

Recorder and justices of the peace have concurrent jurisdiction in certain cases—in other cases, exclusive jurisdiction of recorder.

In criminal arrangements, &c., recorder to have concurrent jurisdiction with other justices—and shall have exclusive power to hear, try, and sentence, to work-house, under the provisions of

2	this act.	4
	Other and further powers of recorder.	5
	Recorder has full jurisdiction, over what actions, &c.	6
3	Recorder's court held, how often.	7
	No appeal allowed on sum for less than five dollars, where city is party.	8
	Recorder, to be governed by what laws, where not provided for by ordinance.	9

§ 1. At the same time and place, and for the same period of service of that of the mayor, there shall be elected by the qualified voters of the city of Hannibal, a recorder, who shall possess the same qualifications as to eligibility as the mayor.

§ 2. The recorder shall have jurisdiction throughout the corporate limits of the city, shall be a conservator of the peace, shall have all the powers and jurisdiction now vested in justices of the peace, and shall receive the same fees for like services.

§ 3. The recorder, and other justices of the peace residing within the city, shall have concurrent jurisdiction in all civil actions, arising under any city ordinance or provision of this act, and he shall have exclusive jurisdiction in all actions for the recovery of fines and forfeitures, for the breach or trespass of any ordinance passed by the city authority.

§ 4. The recorder hereby created, shall have concurrent jurisdiction with other justices of the peace, in all criminal arraignments and apprehensions, he may examine and commit persons and parties charged, and bind them over to answer in the circuit court, or other concurrent proper courts, and shall have exclusive and full power to hear, try, sentence and commit any person to the city workhouse, according to the provisions of any ordinance, a breach whereof is charged.

§ 5. The recorder shall have power to issue all necessary writs, to bring parties before him forthwith, and to try, hear, determine and punish offences against any ordinance of the city, in a summary manner, and according to the provisions of any ordinance, a breach whereof is charged, provided however, that appeals may be taken in all cases over five dollars, to the circuit or other court of Marion county, to which appeals may lie, upon the conditions of the laws of the State.

§ 6. The recorder shall have full jurisdiction over all actions wherein the city is a party, under one hundred and fifty dollars, as well of official bonds, breaches of contract and delinquencies of officers, under provisions of ordinance, as of debt, fines and forfeitures; provided that the corporation may elect to proceed against official delinquencies, or for breaches of contract, before any other tribunal having jurisdiction.

§ 7. The recorder shall hold not less than one term of his court in every month, but in all actions which in the nature of the case require immediate action, and according to the provisions of ordinance, he may at any time issue his warrant to bring the offender before him and try and determine the cause forthwith in a summary manner.

§ 8. No appeal shall be allowed from the recorder's court, wherein the city is a party for a sum less than five dollars, in judgment.

§ 9. The recorder shall decide and be governed by the laws of this State, in all matters not provided for by ordinance, or the provisions of this act.

APPROVED, February 21, 1845.

INCORPORATIONS.

AN ACT supplementary to "an act to incorporate the City of Hannibal.

Specifying when the act entitled "an act to incorporate the City of Hannibal" shall take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows :

(§ 1.) An act of the General Assembly of this State, passed at the present session of said assembly, entitled, "an act to incorporate the city of Hannibal," shall take effect and be in force from and after its passage.

This act shall take effect from its passage.

APPROVED Feb. 24th, 1845.

INCORPORATIONS.

AN ACT amendatory of an act to incorporate the St. Louis Fire Company ; approved, Feb. 12, 1841.

SECTION.	1	SECTION.
The words "and fifty" an amendment to		longer than seven years—for service of
third section of an act incorporating the		that length of time to receive certificate;
St. Louis Fire Company,	1	entitled to certain exemptions therefor,
Company may purchase or acquire by gift	2	Property, apparatus, &c., exempt from
Members not exempt from military duty		taxation,
in certain cases—fireman refusing to per-		To be twenty-one years of age before a
form his duties proceedings thereon,		person can be eligible as a member,
penalty,	3	This act to take effect, when—certificates
No member to be compelled to do duty		received in evidence,
		7

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the words "and fifty" be and they are hereby inserted in the third section of an act entitled, "an act incorporating the St. Louis Fire Company," approved, Feb. 12th, 1841, immediately after the words "one hundred."

§ 2. That said company shall have power to purchase or acquire by gift and the same to hold, manage and enjoy under such regulations as the company may, from time to time prescribe books, maps, charts, philosophical and chemical apparatus and mineralogical and other kinds of specimens calculated to improve the minds and add to the usefulness and happiness of the members.

§ 3. No member of said company shall be exempt from military duty in time of war, foreign or domestic, and any fireman who shall refuse to assist

in the preservation of public or private property from the ravages of fire, when called on by his proper officer to do so, shall, upon conviction thereof, be stricken from the rolls of the company at its next regular meeting, and shall be deprived of all the benefits conferred by this act in consideration of his former services.

§ 4. No member of said company shall be compelled to do duty in it for a longer period than seven years, when he shall be entitled to receive from the President and Secretary, under seal of said company, a certificate that he has served as a fireman during a period of seven years; no person having received such a certificate shall be compelled to do duty in the militia in time of peace, or to sit on any jury within the State. The secretary shall keep a true record of all such certificates granted to members.

§ 5. The property, apparatus, funds and library of said company shall be exempt from all taxation.

§ 6. No person shall be permitted to join said company who is under the age of twenty-one years.

§ 7. This act shall take effect from and after its passage, and the certificates authorized to be issued by the President and Secretary of said company shall be received in evidence in all the courts of the State, courts-martial included.

APPROVED, Feb. 25, 1845.

AN ACT to incorporate the St. Vincent's Free School of St. Louis.

Certain persons declared a body corporate, name and style—powers of corporation, Corporation may make constitution and	1	by-laws, Duration of corporation—may be altered or repealed—how,	2 3
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Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Mary Olympia McFaggert, Mary Elizabeth McGowan, Ann Regina Jordam, Mary Leonora O'Conner, and Susannah Richards, and their successors are hereby created, constituted and declared to be a body corporate, by the name and style of the "St. Vincent's Free School of St. Louis," and by that name may have perpetual succession, and shall be capable of suing and being sued in all courts, that they and their successors may have a common seal, and may alter the same at will, and that they may be capable in law to take, hold and possess any estate, real, personal or mixed, by subscription, gift, grant, purchase, demise, or otherwise, free from all taxes, provided the value of the real estate of said corporation shall not exceed fifty thousand dollars.

§ 2. The said corporation shall have power to make a constitution and by laws for their government, provided that nothing therein contained shall be contrary to the constitution and laws of the United States, or of this State.

§ 3. The corporation hereby created shall continue so long as it shall faithfully answer the ends of its creation, and the General Assembly, whenever

it shall be satisfied that it has failed in this respect, or has violated any of the provisions of this act, may alter or repeal the same.

This act to take effect from and after its passage.

APPROVED, Feb. 25, 1845.

INCORPORATIONS.

AN ACT to establish an Academy in the town of Perryville.

	SECTION.		SECTION.
Academy established—style,	1	Majority form a quorum; further powers of board,	6
James Rice and others a body politic; to have perpetual succession, &c.,	2	No law or rule to be made interfering with religious worship,	7
Vacancy in board of trustees, how filled; style and powers of trustees,	3	Officers to be sworn—when,	8
Trustees have power to hold property, in what manner,	4	Treasurer to be sworn—his duties,	9
Any one of trustees may call first meeting—duties of, when assembled,	5	Board to decide on what branches to be taught, keep official record, &c.,	10

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That an academy be and is hereby established in the town of Perryville, in the county of Perry, State of Missouri, and shall be known and designated by the name of the "Perryville Academy,"

§ 2. That James Rice, Reubin Shelby, William Noel, Ferdinand Roszier, James A. Rutledge, Edward M. Holden, Hyman Block, Doctor Wheeler, Albert G. Abernathy, William McCombs and John Layton, Sen'r., be and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of Perryville Academy, and by that name shall have perpetual succession and a common seal.

§ 3. Whenever any vacancy shall occur in said board of trustees, or their successors in office, by death, resignation, removal or otherwise, the county court or other tribunal transacting county business, shall nominate and appoint a fit and suitable person or persons to fill such vacancy or vacancies, and such person or persons, so appointed, shall have the same power and authority vested in them as is specially granted by this act, and they shall be known by the name and style of the Trustees of the Perryville Academy, and by that name they may sue and be sued, plead and be impleaded, answer and being answered unto defending and being defended in all courts in this State, whether of law or equity.

§ 4. Said trustees and their successors in office shall have full power, in their corporate capacity, to hold, by gift, grant, demise, devise, purchase or otherwise, any lands, tenements, hereditaments, moneys, goods and chattels of whatsoever kind, may be given, granted, demised, devised or purchased for, and to the use of the academy aforesaid, and may sell and dispose (of) any property in such manner as they, or a majority of them may think is most conducive to the interests and prosperity of said academy.

§ 5. Any person named in this act as one of the board of trustees, is au-

thorized to call the first meeting of the board, at such time and place as he may deem proper; when convened, said trustees shall appoint a chairman, and adopt such regulations for their proceedings as may be deemed necessary.

§ 6. A majority of said trustees of said academy, shall form a quorum and be capable of transacting the business of said academy, and particularly of making and entering into contracts for erecting or repairing any building or buildings for the use of said academy, and of making any by laws or ordinances for the government of the same, not contrary to the provisions of this act or repugnant to the laws and constitution of the State, or the United States; they shall have power to elect or appoint professors and teachers, and to remove the same for any breach of the laws and ordinances of said academy, or any moral delinquency; of agreeing with them for their salaries, and of appointing a treasurer and secretary and other necessary officers of their body:

§ 7. No trustee, professor, or teacher shall, at any time, make or enact any by law, ordinance, rules or regulations that will, or may in any wise control or interfere with the right of free exercise of religious worship.

§ 8. The several officers and members of the board shall, before entering on the discharge of their several duties, make an oath or affirmation faithfully and truly to discharge the duties incumbent upon them according to law and to the best of their abilities.

§ 9. The treasurer, before entering on the duties of his office, shall enter into bond with sufficient securities, to be approved of by the county court, or other tribunal established by law for the transaction of county business, conditioned that he will faithfully discharge the duties of his office, and account for all moneys which may come into his hands, to the trustees; the bond of the treasurer shall be made payable to said trustees and their successors in office for the use and benefit of said academy; said bond shall be filed and recorded in the office of the clerk of the county court of Perry county.

§ 10. That the said board of trustees shall have power to direct and determine what branches shall be taught in said academy, they shall also cause to be kept a fair record of all their official proceedings, and when required by the tribunal transacting county business, shall lay a full transcript of the same, together with the receipts and expenditures of the institution, before the said tribunal, for the inspection of said tribunal, or any citizen who may desire to examine the same.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 25th, 1845.

INCORPORATIONS.

AN ACT to incorporate the town of St. Joseph.

SECTION.	SECTION.
Boundaries described—declared a body politic; name and style of corporation—its	powers. Corporate powers vested in a board of trus-

tees—number of; how chosen; powers and duties	2	Further powers of board as regards streets, walks, alleys, &c.	8
Trustees to be sworn; oath to be endorsed on certificate of election, filed, &c.; board to fix time and place of meeting; style of ordinance	3	Collector, his powers and duties under this act	9
Powers, general and special, of the board of trustees	4	Real estate or lots sold for taxes, redeemable, proceedings	10
Election, when first held, for what purpose; how conducted; qualifications of electors; vacancies of board, how filled	5	Inhabitants of corporation exempt from working on roads without the limits of the town	11
Exclusive powers of board of trustees	6	Fines, forfeitures, rents, debts, &c., how recovered	12
Board to appoint certain officers; tenure of, compensation, duties	7	Chairman, duties of	13
		This act may be repealed, how; when to take effect	14

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That all that district of country known by the name of the town of St. Joseph, embraced within the following limits, to wit: Commencing at a point in the section line dividing sections eight and seven, in township fifty-seven, north of range thirty-five west, eighty poles north of the quarter section corner in said line, thence east two hundred and forty poles; thence south three hundred and twenty poles; thence west to the middle of the main channel of the Missouri river; thence up the same to a point due west of the beginning; thence east to the beginning; and the inhabitants of said town, within the limits aforesaid, shall be and continue a body politic and corporate by the name and style of "the town of Saint Joseph," and by that name the inhabitants of said town and their successors shall be known in law, have continual succession, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters; may purchase, receive and hold property, real and personal, within the limits of said town and may lease, sell and dispose of the same for the benefit of said town, may have a common seal and alter the same, and may purchase land [and] receive donations for a public burying ground beyond limits of said town.

§ 2. The corporate powers of said town shall be vested in a board of trustees, to consist of seven members to be chosen by the qualified voters of said town, any five of whom shall be a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members; they shall judge of the qualifications and returns of their own members; determine contested elections; make rules and by-laws for their own proceedings; punish any member or any other person for disorderly behavior in their presence while sitting as a board; and with the concurrence of five members may expel any member after he has had a due hearing in defence, if he desire it; but they shall not expel a member the second time for the same cause: they shall keep a journal of their proceedings, and at the request of any member shall enter the yeas and nays on the journal on any question, and all their proceedings shall be public.

§ 3. Every trustee, before entering on the duties of his office, shall take an oath or affirmation to support the Constitution of the United States

and of this State, and faithfully to demean himself in office, a certificate of which oath shall be endorsed on his certificate of election, and filed by the clerk of the board. Every board of trustees shall assemble within five days after the election, and choose one of their members chairman, and some other person as a clerk. The board shall, by ordinance, fix the time and place of holding their stated meetings, but may be convened by the chairman, at any other time, and he shall inform them of the cause of being convened. The style of their ordinances shall be "Be it ordained by the board of trustees of the town of St. Joseph."

§ 4. Said board of trustees shall have power to pass by-laws and ordinances to prevent and remove nuisances; to prohibit gambling and gaming houses; to license, regulate or prohibit theatrical or other amusements; to prevent or restrain the meeting of slaves; to regulate and establish markets; to erect and repair bridges; to prevent the firing of fire-arms; to prevent the furious and unnecessary galloping, riding or driving of any horse, mule, or other animal within said town, or such part thereof as they may think proper; to establish night watches and patrols; to prevent and suppress bawdy houses and other disorderly houses within the limits of said town; to open, establish, widen, extend and repair streets, avenues, lanes, alleys, public squares, drains and sewers, and to keep the same clean and in order; to erect and maintain hospitals; to prevent the introduction of contagious diseases, and to secure the general health of the town; to provide for the prevention and extinguishment of fires; to levy and collect taxes upon real and personal property in said town, but shall impose no tax at a higher rate than the one-half of one per cent. on the assessed value of the property; to regulate, graduate, pave and improve the streets of said town; to erect, repair and regulate wharves and the rates of wharfage; to regulate the landing and stationing of steamboats, rafts and watercrafts; to provide for the inspection of lumber, building materials, and provisions to be used or offered for sale in said town; to borrow money if it be necessary for graduating or paving the streets, erecting wharves, supplying water, or making other public improvements in said town, provided the proposition to borrow money specify[ing] the sum, the terms, and the object of expenditure, be first submitted to a vote of the inhabitants of said town, and shall have received the sanction of a majority of the taxable inhabitants thereof. The board of trustees shall have power to pass such ordinances for the regulation and police of said town as they may think necessary, not contrary to the laws of the land, and to pass ordinances necessary to carry into effect the object of this act and the powers herein granted as the good of the inhabitants may require, and to impose fines and penalties for the breach of the ordinances.

§ 5. An election shall be held in said town on the first Monday in May next, for trustees, and on the same day every year thereafter. Elections for trustees shall be in all respects conducted, and the qualifications of electors and persons to be elected, be determined by the general law respecting towns, so far as applicable, and all vacancies in said

board shall be filled by a special election, ordered by the chairman, as directed in the general law respecting towns.

§ 6. Said board of trustees shall [have] exclusive power to license and regulate ferries in said town; to fix the rate of ferriage; take sufficient bond and security from ferryman; and all taxes raised from ferry license shall be paid to said board and applied to the improvement of the landings and wharves, and said trustees shall provide suitable landings for ferries and keep them in good repair, but said board of trustees shall not grant any exclusive privilege to any person or persons to keep such ferry for a longer time than one year.

§ 7. Said board may appoint an assessor, collector, treasurer, clerk, constable, inspectors and such other officers and agents as may be necessary, and shall by ordinance prescribe their duties, compensation and tenure of office, and may require of any such officer sufficient bond and security, and require them to take an oath for the faithful performance of their duties.

§ 8. Said trustees shall have power to have the footways and sidewalks of the streets paved at the expense of the owners or occupiers of the adjacent lots, and if any such owner or occupier fail to pave the same as directed by ordinance, said trustees shall pave the same and recover the full expense thereof from such owner or occupier, by action of debt, before any court of competent jurisdiction; and if any tenant be required to pave in front of the property occupied by him, the expense thereof shall be a good offset against so much of the rent due to the owner, but no tenant shall be required to expend more than the rent for the time which he occupied the property. If any person who is a non-resident fail to pave in front of his property, in the manner and time required by ordinance, or if any person who is a resident fail to pave as aforesaid, and the expense of paving cannot be otherwise recovered from him, the said trustees may have such lot or any part thereof sold to defray the expense of such improvement in such manner as said board may by ordinance provide.

§ 9. The persons appointed to collect any tax levied by virtue of this act shall have the power to collect the same by distress and sale of the goods and chattels of the person chargeable therewith, and in default of goods and chattels, suit may be brought for such taxes before any justice of the peace or circuit court having jurisdiction, and the like recovery shall be had, with like effect, as in common actions of debt.

§ 10. When any town lot or real estate shall be sold for taxes, under the by-laws and ordinances of said corporation, it shall be redeemable and may be redeemed by payment to the town treasurer of said corporation, for the use of the purchaser of the same, the taxes due, and one hundred per centum interest thereon from the day of sale, at any time within the space of two years thereafter.

§ 11. The inhabitants of said town of St. Joseph shall be exempt from working upon the roads and highways without the limits of the corporation of said town, or paying tax for the same.

§ 12. All fines, forfeitures, rents and debts accruing to the town of St.

Joseph may be recovered by action of debt before any justice of the peace or circuit court having jurisdiction as other debts, and attachment may be sued out as in ordinary civil actions, and appeals may be taken from judgments of justices as in ordinary civil actions. Persons living in said town shall be competent as witnesses and jurors in the trial of such cases, but any defendant, on request, may have a jury summoned consisting of persons not living in said town.

§ 13. It shall be the duty of the chairman to cause all ordinances passed by them to be published in such manner as shall by ordinance be directed. The chairman of said board shall, on the first Monday in March in each year, make a full and true statement of all money received and expended on account of said town during the preceding year, and shall, within ten days, publish said statement in a newspaper, if there be any in the town, if not, in six public places therein, and if he fail to do so, he shall forfeit fifty dollars for the benefit of said town, unless he show good cause for such failure.

§ 14. This act may be altered, amended or repealed by the General Assembly at any time hereafter, and shall take effect from and after its passage.

APPROVED, Feb. 26, 1845.

INCORPORATIONS.

AN ACT to incorporate the Missouri Historical and Philosophical Society.

	SECTION.		SECTION.
George W. Hough, William Claude Jones and others, declared a body politic; name and powers of society,	1	Society may receive, hold property—may make purchases, to what extent—funds, to what objects appropriated,	4
Objects of the society, declared,	2	Society to elect such officers as deemed necessary, prescribe tenure, &c.,	5
Society may have a common seal, may make constitution and by-laws,	3	The right of repeal, reserved,	6

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. George W. Hough, William Claude Jones, William M. Campbell, James L. Minor, Hiram P. Goodrich, George W. Waters, John I. Campbell, John H. Watson, Adam B. Chambers, John McNeil, Samuel Treat, Robert I. Boas, Erich Plump, John G. Walker, George W. Huston, Hiram H. Baber, John C. Edwards, Benjamin F. Stringfellow, Bela M. Huges, Trusten Polk, Robert Wilson, John D. Coalter, William Carson, George A. Carrel, Thomas G. Allen, William E. Elliott, William G. Minor, R. G. Smart, Mann Butler, S. H. Whipple, Robert T. Brown and Harrison Hough, and such other persons as now are or may hereafter be associated with them, are hereby declared and constituted a body corporate and politic, by the name of "The Missouri Historical and Philosophical Society," and by that name shall have continual succession, may sue and be sued, implead and be impleaded, defend and be defended, in all courts,

and places; and for the purposes of its institution may do all such acts as are performed by natural persons.

§ 2. The objects of the society shall be to collect, embody, arrange and preserve in an authentic form, the materials for the history of this State, to accumulate a library of books, pamphlets, maps, charts, manuscripts and papers, a cabinet of ores, minerals, fossils, and other natural productions; and a museum of relics, curiosities and other articles that may illustrate the history of the country. It shall be an object of the society to rescue from oblivion the memory of the early pioneers of this State, and to obtain and preserve in an authentic form the history of their exploits and perils; and it shall exhibit in their true light the resources of the State. It also may take proper steps to promote the study of history, and to diffuse and publish information relating to the description and history of Missouri.

§ 3. Said society may have a common seal, and alter or change the same; it may make, establish and enforce a constitution, rules and by-laws for its government; provided the same be not repugnant to the constitution and laws of the country.

§ 4. Said society may receive, hold, purchase and enjoy, books, papers and other articles forming its library, museum and cabinet, to any extent, and may acquire, receive, hold and enjoy other real and personal estate, not exceeding five thousand dollars in value; but all its funds shall be appropriated to promote the objects of its formation.

§ 5. Said society shall have power to elect and qualify such officers as may be considered necessary, to be chosen at such times, in such manner and for such terms, as the constitution and rules of the society may prescribe; and if the election of any officer shall not be held on the day appointed, the election may be held on any other day.

§ 6. The General Assembly reserves the right to repeal this act. This act shall take effect from its passage.

APPROVED, Feb. 27, 1845.

INCORPORATIONS.

AN ACT to incorporate the Orphan's Home.

SECTION.		SECTION.	
Emeline Hough and her associates under this act, a body corporate, name, style, and powers of corporation, Condition of membership, Annual meetings to be held, proceedings thereat,		Treasurer to give bond if required by board,	4
	1	Board of managers, its powers and duties	5
	2	Deeds conveying real estate, how made,	6
	3	Specific donations, how appropriated,	7
		Legislature may repeal this act,	8

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Emeline Hough and her associates who shall become members of this institution in the manner hereinafter provided, are hereby

created, constituted and declared to be a body corporate, by the name and style of the "ORPHAN'S HOME," and by that name shall be a corporation forever, and shall be capable of suing and being sued in all courts; they may have a common seal, make contracts and by-laws, provided the same be not repugnant to the constitution and laws of the United States and of this State; take, hold and possess any estate, real, personal or mixed, by subscription, gift, grant, purchase, devise or otherwise, free from taxes; provided the value of the real estate of said corporation shall not exceed fifty thousand dollars.

§ 2. Every female subscribing and paying fifty cents annually to the funds of this institution, shall be a member of this corporation, but shall cease to be such when she refuses to pay such annual subscription, and any female paying twenty-five dollars at one time shall be a life member of this corporation.

§ 3. Said corporation shall hold an annual meeting for the election of officers, at which there shall be chosen, by ballot, a board of managers, including a first and second directress, secretary and treasurer, all of whom shall continue in office until others are chosen; any ten of the members of the corporation duly convened shall be a quorum for the transaction of business, and five of the board of managers so convened shall be a quorum of the board.

§ 4. The treasurer of this association shall when required by the board of managers give bond with sufficient sureties to account for all money and other property of this corporation entrusted to her, and for the discharge of the duties of her office with fidelity.

§ 5. The board of managers shall have the entire control of all the property of the institution, of its receipts and disbursements, and of the orphans and destitute children entrusted to their care. They shall have authority to receive sick and destitute persons into their HOME, and also to accept a surrender in writing by the father, or when there is no father, by the mother of any child or children, to the care of said institution, and to bind them out in virtuous families, until the age of eighteen years, or marriage; provided, that any parent whose child or children shall have relief and support, or been bound out as aforesaid, shall have liberty to receive such child or children, upon paying to the treasurer of this institution the expenses incurred in his, her or their relief as aforesaid.

§ 6. All deeds conveying real estate shall be signed by the secretary and sealed with the common seal, but no such instrument shall be executed without a vote of the board of managers, two-thirds concurring, and approved by the corporation.

§ 7. Property donated to this corporation for a specific purpose, and excepted [accepted] by the same, shall be appropriated for the objects and in the manner so specified.

§ 8. The Legislature shall have power to repeal this act, whenever the interest of the State require it.

This act to take effect from and after its passage.

APPROVED, Feb. 27, 1845.

INCORPORATIONS.

AN ACT to incorporate the Weston Athenæum.

	SECTION.		SECTION
John Owen and others, a body corporate,		by-laws,	2
name and style of, powers and duties,	1	Corporation to continue, how long,	3
Corporation may make constitution and			

Whereas, an association has been created in the town of Weston, in the county of Platte, bearing the name of the Weston Athenæum, having for its object the improvement of society at large, in literature, science and the arts, through the medium of lectures, debates and other literary exercises; and whereas, in furtherance of the above objects the said association has purchased an extensive library of valuable books, therefore in order to encourage and facilitate the design of said association, and to render it permanent and useful,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That John Owen, Lorenzo D. Bird, Thomas E. Jordan, John R. Tylee, Roderick G. Stevins, and Joseph Malin, their associates and successors, be and hereby are created, constituted and declared, to be a body corporate and politic, by the name and style of the Weston Athenæum, and by that name they may have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; that they and their successors may have a common seal, and may alter, change or break the same at will; and that they may be capable in law of acquiring, holding and conveying so much property, real, personal or mixed, as may be necessary and requisite for said association, in the promotion of its objects, not exceeding five thousand dollars.

§ 2. The said corporation shall have power to make a constitution and by-laws for its government, provided that nothing therein contained shall be repugnant to the constitution or laws of the State of Missouri.

§ 3. The corporation hereby created shall continue so long as it shall answer the purposes of its creation; and the General Assembly shall have power, whenever the said corporation has failed in this respect, or violated any of the provisions of this act, to repeal the same.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 27, 1845.

INCORPORATIONS.

[*AN ACT to incorporate the Franklin Fire Company.*]

	SECTION.		SECTION.
William H. Roberts, T. R. Moore, & others, a body corporate--name and style of corporation--its powers and duties.	1	Active members exempted from performance of militia duty.	4
Corporation may make constitution and by-laws.	2	To levy contributions by taxes for certain purposes	5
Corporation, not to exceed one hundred and twenty-five active members, honorary members not over fifty--contributions of members.	3	Corporation to regulate the election of officers, impose fines, &c.	6
		Duties of the corporation.	7
		Corporation to continue, how long,	8

Whereas an association has been formed in the city of St. Louis, bearing the name of the Franklin Fire Company, for the sole purpose of rendering themselves more efficient in protecting the property of the citizens from fire; and whereas, for the more perfect organization of said association or company, they should be invested with certain corporate powers, and enjoy certain immunities and privileges; now, therefore, in order to encourage so praise worthy and useful an institution, and give strength, permanency and dignity to the same,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That William H. Roberts, T. R. Moore, S. S. Carlisle, Cornelius Harrold, Thomas Hassant, F. Lauman, H. Hopeke, Francis Keening, Philip Plitt, and Frederick W. Angle, their associates and successors, are hereby created, constituted and declared to be a body corporate and politic, by the name and style of the Franklin Fire Company, and by that name they may have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatever, that they and their successors may have a common seal, and may alter, change and break the same at will, and that they may be capable in law of acquiring, holding and conveying so much property, real, personal and mixed, as may be necessary and requisite for the association, in furtherance of its objects.

§ 2. The said corporation shall have power to make a constitution and by-laws for the government of the same, and to alter and amend the same at pleasure, provided that nothing in them contained, shall be repugnant to the laws of the land.

§ 3. The said corporation shall not consist of more than one hundred and twenty-five active members, and as many honorary members as they by their by-laws may regulate, not exceeding fifty; which members shall make such contributions for the support of the corporation as they from time to time may regulate in their by-laws, but no person shall enjoy the privileges of an honorary member, unless he contributes at least five dollars per annum to the support of said corporation.

§ 4. All the acting and efficient members of said corporation shall be, and they are hereby exempted from the performance of militia duty in time,

of peace and services upon juries, during their continuance as members of said corporation.

§ 5. In order to create a fund for the purchase of engines, houses, hose, carriage and other apparatus for the use of said corporation, they shall have power by their by-laws to levy contribution upon the members, impose fines, for non-attendance, and other dereliction of duty, and enforce the payment of the same.

§ 6. The said corporation shall have power by their by-laws to regulate as they may deem expedient, the election of all their officers, and impose fines for malfeasance in office, and collect the same.

§ 7. It shall be the duty of said corporation to keep always in good repair, and ready for use, upon a sudden warning and in a convenient place, at least one good fire engine, set of hose, carriage and all necessary apparatus, and with the same to attend all fires in the said city of St. Louis, as speedily as practicable, after notice of the same, and to aid and assist in extinguishing the flames, and to do and perform all other duties usual to fire companies.

§ 8. The corporation hereby created shall continue so long as it shall faithfully and beneficially fulfil the object and intention of its creation, but the General Assembly may alter or repeal the same.

This act to take effect and be force, after its passage.

APPROVED, Feb. 27, 1845.

INCORPORATIONS.

[*AN ACT to incorporate the St. Louis Public Library Association.*]

SECTION.		SECTION
John M. Eager, James H. Comfort, and others, a body corporate--name, style, powers and duties of corporation.	1	Objects of the association, declared. 2 This act shall take effect from its passage. 3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. John M. Eager, James H. Comfort, Nathan D. Allen, William N. White, Horace Whittemore, Melvin L. Gray, Mann Butler, James C. Burrough; Britton A. Hill, William H. McKinstry, Alexander Finley, D. N. Hall, Charles C. Carroll, Thomas W. Preston, and their associates and successors, are hereby declared and created a body corporate under the name and style of the *St. Louis Public Library Association*, and by said name shall have perpetual succession, may contract, sue and be sued, implead and be impleaded, in all courts of competent jurisdiction; may acquire hold and convey, such real, mixed and personal property, as may be suitable in carrying out the objects of the said association, may have a common seal, and may make such constitution, regulations and by-laws, as may be deemed requisite for its government, and not contrary to the laws of the land, and may alter such constitution, regulations and by-laws, at pleasure.

§ 2. The objects of said association are declared to be the collection of a general library, and the diffusion of knowledge by lectures, and such other exercises of a literary and scientific nature, as may, in the judgment of the members, be best calculated to secure that end.

§ 3 This act shall take effect from its passage.

APPROVED, Feb. 27, 1845.

INCORPORATIONS.

AN ACT to incorporate the City of Glasgow.

SECTION.	SECTION.
Boundaries of the city of Glasgow described—declared a body corporate, name, style, powers and duties, 1	Style of ordinances, 19
Corporate powers and duties, where vested, 2	Secretary appointed by board, tenure of office, his duties, 20
Council to consist of seven members—city divided into wards, 3	City constable, his powers and duties, 21
Councilmen, how chosen, 4	All officers of city to be sworn before entering on duties, 22
Board of councilmen shall judge of elections and returns of members, majority a quorum, smaller number may adjourn and compel attendance of absent members—two-thirds may expel, 5	Property heretofore belonging to inhabitants of town of Glasgow in their corporate capacity, vested in corporation hereby created, &c., 23
Mayor presiding officer—may appoint certain officers, 6	City elections, how held, qualification of electors, 24
General elections, when held, tenure of office, 7	Assessor, when elected, his duties prescribed by ordinance, 25
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Be it enacted by the General Assembly of the State of Missouri as follows :

§ 1. All that district of country within the following limits, to wit: Beginning at a point in the middle of the main channel of the Missouri river, due west of the north-west corner of fractional section seventeen, in fractional township fifty-one, and range seventeen west of the fifth

principal meridian; thence east to a stone thirty-one and seventy hundredths chains from the bank of the river; thence south 7 deg. west forty-three chains to another stone; thence north 85 deg. west to the middle of the main channel of the Missouri river; thence up the middle of the main channel thereof to the beginning, shall be, and the same is hereby incorporated by the name of the City of Glasgow, and the inhabitants thereof are hereby declared a body politic and corporate, by the name and style of "The mayor, councilmen and citizens of the city of Glasgow," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, receive and hold property, real and personal, within said city and no other place, (burial ground excepted,) and may lease, sell or dispose of the same for the benefit of the city, and may do all other acts as natural persons; may have a common seal, and break and alter the same at pleasure.

§ 2. The corporate powers and duties of said city shall be vested in a mayor and councilmen, who shall be chosen as hereinafter provided.

§ 3. The board of councilmen shall consist of seven members, for the election of whom the city shall be divided into convenient wards, which may be altered from time to time, and new wards created as the [convenience] conveyance of the inhabitants may require, and said councilmen shall be apportioned among the several wards in proportion to the number of free white male inhabitants thereof.

§ 4. The councilmen shall be chosen by the qualified electors for the term of one year, and shall be at least twenty-one years of age, citizens of the United States, inhabitants of the city for one year next preceding their election; and whenever there shall be a tie in the election of councilmen, it shall be determined by the judges of the election of the ward in which it shall happen, by lot, and all vacancies shall be filled by election as aforesaid, in such manner as shall be provided by ordinance.

§ 5. The board of councilmen shall judge of the qualifications, elections and returns of the members, a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may provide; they may determine the rules of their proceedings, punish their members for disorderly conduct, and by the concurrence of two-thirds of the whole number elected, may expel a member, but not a second time for the same offence, and they shall, on motion of any member, cause the yeas and nays to be entered on the journal.

§ 6. The mayor of said city shall be ex-officio president of the board of councilmen, who, with the advice and consent of the council, shall appoint all officers of the corporation not otherwise provided for.

§ 7. A general election for mayor and councilmen for said city shall be held on the first Monday in April, in the year of our Lord one thousand eight hundred and forty-five, and on the first Monday in April in each and every year thereafter, and on the first Monday in May in the year eigh-

teen hundred and forty-five, the mayor and councilmen shall hold their first meeting, and shall forever thereafter hold their stated meetings on the first Mondays of May, August, November and February in each and every year.

§ 8. The mayor and councilmen shall, at their first meeting, proceed to lay off said city into convenient wards under this act, and do any other acts within the scope of their authority which they may think proper; Provided that no such action shall vacate the seats of the councilmen who shall be first elected by virtue of this act, but they may change the times of holding their stated meetings at pleasure.

§ 9. The mayor shall be elected annually, as above provided, by the qualified electors of the city; shall hold his office until his successor is elected and qualified, and when two or more persons shall have an equal number of votes for mayor in any election for said office, it shall be determined by the councilmen, and such mayor shall be at least twenty-one years of age, a citizen of the United States, and shall have resided at least one year within the city, next preceding the time of his election.

§ 10. The mayor shall take care that the laws of the State and ordinances of the city are duly enforced within the city; he shall have power with the consent of the councilmen, to remove from office any person holding office created by ordinance; he may remit fines and forfeitures, grant reprieves and pardons in any case arising under the ordinances of the city; he shall be a conservator of the peace within the limits of the city; he shall have power to fill all vacancies that may happen in any other office than that of councilmen, which said appointments so made shall continue until the end of the next regular meeting of the board thereafter; he shall from time to time give the board information relative to the state and condition of the city, and shall recommend to their consideration such measures as he shall deem expedient; he may on extraordinary occasions convene the board of councilmen by proclamation, stating to them when assembled the object for which they are convened, and shall receive such compensation for his services as shall be provided by ordinance.

§ 11. The mayor shall be ex-officio a justice of the peace within and for the city, and have the same jurisdiction in all cases in the city, as justices of the peace, shall by the laws of the State for the time, have in their respective townships; he shall have the same power and proceed in the same manner, and be governed in all things by the same rules of proceeding, which may be in force for the time, regulating justices courts; shall grant appeals to the circuit court of Howard county, and be in all things subject to the same superintending control of that court, that justices of the peace, may by the laws of the State for the time be.

§ 12. The councilmen shall choose by ballot, from their body, a president, *pro tempore*, who in the absence of the mayor, or in case of vacancy of his office happening by any cause whatever, shall exercise the duties of said office, until said office shall be filled as before provided.

§ 13. The mayor and councilmen shall have power by ordinance, to levy and collect taxes upon real and personal estate within the city, not exceeding one half of one per cent upon the assessed value thereof, except as

hereinafter excepted, to make regulations to prevent the introduction of contagious diseases; to make quarantine laws for that purpose, and enforce them within the limits of the city; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches and patrols; to erect lamps in the streets, and light the same; to improve the navigation of the Missouri river within the city; to erect, regulate and repair, the stationing, anchorage and mooring of vessels; to provide for licensing, taxing and regulating auctions, retailers, ordinaries, taverns, billiard tables, hackney carriages, waggon, carts, drays, hawkers and pedlers, theatrical and other amusements; to restrain and prohibit tippling houses, gaming houses, bawdy houses, and all other disorderly houses; to establish and repair bridges, to establish and repair markets, to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair, streets, alleys, avenues, lanes, drains and sewers; to provide for the safe keeping of standard weights and measures to be used in said city; to regulate the cleaning of chimneys, and fix the price thereof; to provide for the inspection of lumber and other building materials, to be used within the city; to regulate the size of brick to be used within the city; to regulate and order parapet walls and partition fences; to provide for the inspection and weighing of hay, and stone coals, the measuring of charcoal, fire wood, and all other fuel to be used in the city; to regulate the inspection of butter and lard, and the weight and quality of bread, the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and other combustible materials; to erect pumps, in the streets for the convenience of the inhabitants; to regulate the police of the city; to regulate the election of city officers, and fix their compensation, and from time to time, to pass all such ordinances, to carry into effect the object of this act, and the powers hereby granted as the good of the inhabitants may require; and to impose fines, penalties and forfeitures for the breach of any ordinance, and provide for the collection thereof; provided that no tax shall be levied upon the implements of any person used in carrying on his trade or business, nor shall the same be subject to distress or sale for taxes, while the owner thereof shall be engaged in carrying on such trade or business.

§ 14. Upon the application of the holders of two-thirds of the front of the lots, along any street or part of a street, it shall be lawful for the mayor and councilmen to levy and collect a special tax on the holders thereof, according to the assessed value of their respective fronts, for the purpose of grading and paving such street or part of a street, which shall be faithfully applied to such purpose and to no other, and upon similar application, to levy a tax for the purpose of lighting the streets or erecting lamps therein, which tax when collected shall be applied to the object aforesaid.

§ 15. The mayor and councilmen, shall have power to regulate, pave and improve the streets, avenues, lanes and alleys within the limits of the city, and to extend, open or widen streets, avenues, lanes or alleys, upon making the persons injured thereby adequate compensation therefor, to ascertain the amount of which the mayor shall, in all cases, cause a jury to be summoned, and sworn to assess the damages, which may be sustained by any person by reason of the proposed change, but it may be good cause of peremptory challenge to a juror that he is a citizen of the

corporation or owns taxable property therein, and for the purpose of procuring an impartial jury in such case, the mayor of the city may, in the first instance, issue his precept for a jury to the constable of the township of Chariton, and upon all cases for the assessment of damages, as provided for in this act, the mayor of the city shall preside.

§ 16. When any assessment of damages shall have been made, as in this act provided for opening, widening, extending or altering any street, avenue, lane or alley in said city, and either the mayor, councilmen and citizens of the city of Glasgow, or any other person or persons feel aggrieved thereby, such party, so aggrieved, may take an appeal from such assessment to the circuit court of Howard county, which said appeal shall be granted by the mayor in the same manner and upon the same terms, as appeals shall for the same time be allowed from justices of the peace to the circuit court, by the laws of the State.

§ 17. When any such appeal shall be taken to the circuit court, the same shall be tried as other issues in said court; and in case damages be assessed to any person by a jury or court, the same shall be paid out of the city treasury before the property of such person shall be taken for public use.

§ 18. Every bill which shall have been passed by the board of councilmen, shall, before it becomes a law, be presented to the mayor for his approval; if he approve it he shall sign it; if not he shall return the same with his objections, and they shall reconsider the same; and if after such reconsideration a majority of the whole number of the councilmen elected shall pass the bill, notwithstanding his objections, it shall become a law; in all such cases of reconsideration, the yeas and nays shall be entered on the journal. If any bill shall not be returned to the board within three days after it may have been delivered to the mayor, it shall become a law, in the same manner as if he had approved it.

§ 19. The style of the laws and ordinances of said corporation shall be, "Be it ordained by the mayor and councilmen of the city of Glasgow," and all ordinances shall within one month after they are passed be published in said city.

§ 20. There shall be appointed a secretary of the board of councilmen, who shall hold his office for one year, and until his successor be qualified, unless sooner removed. Before he enters upon the duties of his office, he shall take and subscribe the oath hereinafter provided, and shall give bond with sufficient security, to be approved by the mayor, for the faithful discharge of his duty. The board shall cause a faithful record to be kept by the secretary, which shall at all convenient times be open to the inspection of the inhabitants of the city, and said secretary shall safely keep and preserve in his office all records and public papers and documents of the city, and shall perform all such duties as shall be enjoined on him by ordinance.

§ 21. The city constable shall serve and return all process to him directed and delivered in the corporate limits of the city, issued by the mayor; and he shall be subject to the same penalties, and amenable to the same rules of proceedings for failing or refusing to execute and re-

turn any process to him directed and delivered, that shall for the time by the laws of the State be in force relative to constables of the townships.

§ 22. The mayor councilmen and all other officers of the corporation, shall, before entering upon the duties of their several offices, respectively make an oath or affirmation before some judge or justice of the peace, to support the constitution of the United States and of this State, and faithfully to demean themselves in office.

§ 23. All property, real and personal, heretofore belonging to the inhabitants of the town of Glasgow, or the trustees thereof in a corporate capacity, shall be and is hereby declared to be vested in the corporation hereby created, and all suits commenced for and on behalf of the trustees, shall be prosecuted to final judgment and execution as if this act had not passed; and all moneys arising therefrom, and all fines, penalties and forfeitures accruing to said trustees, shall be paid to the treasurer of the city for the use of the said city; and all ordinances now in force, shall remain in force as ordinances of the city, until altered, modified or repealed by the city ordinances to be passed by virtue of this act. All actions, fines, penalties and forfeitures, which shall have accrued or may accrue to the town of Glasgow shall be, and are hereby declared vested in, and suit may be prosecuted therefor, in the name of the corporation created by this act.

§ 24. All free white male inhabitants of said city, who may have paid a city or corporation tax, being twenty-one years of age, and who shall have resided three months next preceding the time of election, within said city or corporation, and all free white males, residents of this State, of twenty-one years of age, who may own or possess any real estate within the limits of the city, shall be entitled to vote at all elections for city officers, and all such elections shall be by ballot.

§ 25. At each general election for city officers, there shall be elected an assessor for said city, who shall possess all the qualifications required for councilmen, whose duty shall be prescribed by ordinance.

§ 26. The mayor and councilmen shall have power by ordinance to license and regulate ferries within the limits of the city.

§ 27. All citizens within the corporate limits of said city shall be exempt from working upon any public roads or highways beyond the limits of the city, nor shall they be compelled to pay any tax for keeping the same in repair except within the city.

§ 28. The mayor and councilmen shall have power to organize and establish fire companies in the city, and the members thereof shall be exempt from performing militia duties in time of peace.

§ 29. When any real estate shall be advertised for sale, or shall have been sold for taxes by the authority of the corporation, the owner or owners thereof may redeem the same within two years next after the day of sale, by paying the full amount of taxes and costs due thereon, together with ten per centum per annum interest on the principal.

§ 30. It shall be the duty of the mayor and board of councilmen, and they are required to cause to be made in a plain handwriting, a full and complete statement of all moneys received and expended during the pre-

ceding year, showing on what account received and expended; a copy of which statement shall be published in said city, in such manner as shall be provided by ordinance.

§ 31. The mayor and councilmen shall not expend more than one thousand dollars annually for the payment of the salaries of the city officers; and the mayor shall receive for his services a sum not exceeding two hundred dollars per annum, which shall not be increased or diminished during any one term of service, so as to affect his compensation for said term.

§ 32. The first election as aforesaid for mayor and councilmen, shall be held and conducted by the trustees of the town of Glasgow, or any two of them, at such place in said town as shall be designated by them, which election shall be conducted according to the existing laws of the State regulating elections; and said trustees shall deliver to each person elected a certificate thereof.

§ 33. There shall be appointed as aforesaid a city treasurer, who shall hold his office for two years, if not sooner removed; who, before he enters upon the duties of his office, shall take and subscribe the oath as required by this act, and give bond and security, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office, in such penalty as may be provided by ordinance.

§ 34. No money shall be paid out of the treasury unless in pursuance of appropriations made by ordinance, nor shall the mayor and councilmen have power to contract or in any manner create a debt or liability of said incorporation exceeding the sum of one hundred dollars over and above the amount in the treasury of said incorporation and not otherwise appropriated.

§ 35. This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

§ 36. In case of absence of the mayor from the city, or in case of a vacancy in said office occasioned by death, resignation or otherwise, it shall and may be lawful for any justice of the peace for Chariton township, resident in said city, to act, do, and perform all and every judicial act or thing, which under the laws of the State or ordinance of the city, the mayor shall have been authorized to do; and all proceedings which may have been commenced before any such justice of the peace in the absence of the mayor, or during a vacancy in said office, shall be carried and completed by said justice in the same manner, and with the like effect, as if commenced done, or performed by the mayor, notwithstanding the mayor may have returned to the city, or the office shall have been filled before the completion of business so commenced.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 27, 1845.

INCORPORATIONS.

THE MOUND FIRE COMPANY OF ST. LOUIS.

AN ACT to incorporate the Mound Fire Company.

	SECTION.		SECTION.
James Gordon, Smith Robinson, and others, a body corporate—name, style and powers of corporation	1	Contribution of five dollars	6
Corporation may make constitution and by-laws	2	Corporation for certain purposes may levy tax	7
Not to exceed one hundred and fifty members; honorary members not to exceed fifty; may make contributions not less than five dollars for membership	3	Corporation may purchase or acquire by gift certain things	8
Firemen, in certain cases, not exempt from militia duty; for refusing to perform duty as fireman, penalty	4	Property of corporation exempt from taxation; loans how made	9
Seven years service entitles member to certificate; advantages thereof	5	Duty of corporation with regard to engines, &c.	10
Age required for membership, with contribution of five dollars		Members who have served seven years may have access to library, on conditions	11
		The corporation to inure, how long. Legislature may alter or repeal	12
		This act to take effect, when. Certificates to be received in evidence	13

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. James Gordon, Smith Robinson, Marshall Brotherton, W. G. Clark, C. E. Labaume, Charles Guarcie, and their associates and successors, be and they are hereby ordained, constituted and declared to be a body corporate and politic, by the name and style of "The Mound Fire Company," and by that name they may have continual succession, and shall be [cap]able of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; that they and their successors may have a common seal, and may change, alter or break the same at their pleasure; and that they and their successors shall be in law capable of holding, purchasing and conveying any estate, real, personal or mixed, for the use of said corporation, and shall hold and enjoy, in their corporate capacity, all the property, real, personal and mixed, which the said company now have, or hereafter may acquire, provided the said corporation shall not hold any real estate except such as may be necessary for the use of said company.

§ 2. The said corporation shall have power to make a constitution and by-laws for the government of the same, and to amend and alter the same at pleasure, provided that nothing in them contained shall be repugnant to the laws of the land.

§ 3. The said corporation shall consist of not more than one hundred and fifty members, and as many honorary members as they by their by-laws may regulate, not exceeding fifty, which members shall make such contributions for the support of the corporation, as they, from time to time, may regulate in their by-laws, but no person shall enjoy the privilege of an honorary member unless he contributes at least five dollars per annum to the support of said corporation.

§ 4. No fireman shall be exempt from military duty in time of war, foreign or domestic, and any fireman who shall refuse to assist in the preservation of public or private property from the ravages of fire, when called out by his proper officer to do so, shall, upon conviction thereof, be stricken from the rolls of the company, at its next regular meeting, and shall be deprived of the benefits conferred by this act in consideration of his former services.

§ 5. No member of said company shall be compelled to do duty in it for a longer period than seven years, when he shall be entitled to receive from the president and secretary, under the seal of the company, a certificate that he has thus served as a fireman for a consecutive period of seven years. No person having received such certificate shall be compelled to do militia duty in time of peace or serve on any jury within this State, the secretary shall keep a true record of all certificates granted to members.

§ 6. No person shall be received as a member of said company who is less than twenty-one, or more than forty-five years of age, or if required by the company, without paying the sum of five dollars to the treasurer thereof, for the use of the company.

§ 7. In order to create a fund for the purchase of engines, houses, hose carriages, and other apparatus, for the use of said corporation, they shall have power by their by-laws to lay a contribution upon their members, impose fines for non-attendance and other derelictions of duty, and enforce the payment of the same.

§ 8. The said company shall also have power to purchase or to acquire by gift, and the same to hold, manage, and enjoy, under such regulations as the company may from time to time prescribe, books, maps, charts, philosophical and chemical apparatus, and mineralogical and other kinds of specimens calculated to improve the minds and add to the usefulness and happiness of the members. Said company shall also have power to create and hold a fund, the proceeds of the interest of which to be applied to the relief of members injured in the discharge of their duties at fires, and to the education of the children of indigent and deceased members, who have been active firemen during seven or more years.

§ 9. The property, apparatus, funds and library of the Mound Fire Company shall be exempt from all taxations. All monies which may be given to said company, with which to create the funds hereinbefore authorized, may be loaned at an interest of ten per cent. per annum.

§ 10. It shall be the duty of said corporation to keep always in good repair and ready for use upon a sudden warning, and in a convenient place, at least one good fire engine, set of hose, carriages and necessary apparatus, and with the same to attend all fires in the said city of St. Louis, as speedily as possible after notice of the same, and to aid and assist to extinguish the flames and do and perform all other duties usual to fire companies.

§ 11. Under suitable regulations each member of said company who shall have honorably served seven years or more as a member thereof, shall be entitled to have free access, during his natural life, to the library

of said company, provided that if called upon so to do, he shall pay at least one dollar a year to preserve and replenish said library.

§ 12. The corporation hereby created shall continue so long as it shall faithfully and beneficially fulfil the object and intention of its creation, but the Legislature may alter or repeal the same.

§ 13. This act shall take effect and be in force from its passage, and the certificates authorized to be issued by the president and secretary of said corporation shall be received in evidence in all the courts of this State—courts-martial included.

APPROVED, Feb. 28, 1845.

INCORPORATIONS.

AN ACT amendatory and supplementary of an act to incorporate the St. Louis Gas Light Company, approved February fourth, one thousand eight hundred and thirty-seven.

	SECTION		SECTION
President and directors, duties of	1	City council of city of St. Louis, may buy	
Capital stock to be reduced to actual capital remaining, proceedings,		from company, or any stockholder,	6
Shares to be of fifty dollars each, fractions how disposed of,	2	City bonds may be issued for payment of	
Stockholder or corporation refusing to surrender certificate of old stock, and refuse certificate of new, forfeiture of stock, &c.,	3	such purchase of stock,	7
President and directors authorized to sell part, or whole of old or new stock,	4	If city of St. Louis purchase whole of stock of company—city shall be vested with certain powers,	8
	5	President and directors to call a meeting, proceedings thereat,	9
		Secretary, his duties,	10

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The president and directors of the St. Louis Gas Light Company shall, as soon as may be after the passage of this act, make out a full and complete schedule of all the effects, moneys, notes, bonds, choses in action, personal and real estate of, and belonging to said company; ascertain and fix the real value thereof in cash after deducting all the liabilities of said company, the balance shall be the actual capital remaining of said company.

§ 2. After having thus ascertained the capital of said company, the president and directors are hereby authorized to reduce the capital stock of said company, now nominally two hundred thousand dollars, to the actual capital of said company thus found remaining, divide said capital into shares of fifty dollars each, and apportion said shares among all the stockholders (individuals or corporations) in a pro rata proportion, to the number of shares now held by each stockholder or corporation, call in, cancel, and destroy all of the old certificates of stock outstanding, and issue new ones, to each stockholder or corporation, for such number of

shares that he, she, they, or said corporation shall be found entitled to, of the reduced capital stock of said company.

§ 3. Each share shall be of the sum of fifty dollars; all fractions less than fifty dollars shall be paid in cash to the party entitled thereto.

§ 4. Should any stockholder or corporation refuse to surrender to said company any certificate of the old stock of said company, and refuse to receive a certificate for the new stock of said company created by this act, he, she, they, or said corporation shall forfeit such stock to said company, and shall only be entitled to receive the value thereof in cash at the reduced price thereof, as is enacted by the second section of this act.

§ 5. The president and directors are hereby authorized to buy or sell for the use of the company, any part, or the whole of the old or new stock of said company.

§ 6. The city council of the city of St. Louis is hereby authorized and empowered to pass any ordinance necessary to buy from the Gas Light Company, or any stockholder, any part or the whole of the old or new stock of said company, or to sell any part or the whole of the old or new stock held by the city in said company.

§ 7. For the payment of any stock which the city may buy in virtue of the above section, the city council is hereby directed and authorized to pass any ordinance necessary to issue the bonds of the city of St. Louis for the payment of such stock.

§ 8. Should the city of St. Louis become the purchaser of the whole of the stock of said company, it shall have all the powers, and be vested of all the rights and privileges of the individual stockholders, and also of all such as are vested in the president and directors of said company, in and by virtue of the said act of incorporation, approved February fourth, eighteen hundred and thirty-seven.

§ 9. The president and directors shall, as soon as may be, after the passage of this act, call a meeting of all the stockholders, and submit this act; if a majority of all the stockholders approve and accept it, it shall be binding and in full force, if otherwise it shall be null and void.

§ 10. The secretary of said company shall prepare a book in which shall be recorded the vote of each stockholder or corporation, and the proceedings had in virtue of the above section.

This act to take effect and be in force from its passage.

APPROVED, Feb. 28, 1845.

INCORPORATIONS.

AN ACT to incorporate the town of Palmyra, in Marion county.

SECTION.	SECTION
Boundaries, declared a body politic, powers of,	1 Elections for trustees, when held, tenure of office, elections, how conducted, vacancies, how filled,
Corporate powers, in what vested, trustees how many, how chosen, powers,	2 Judges, qualifications of; if absent, pro-

ceedings,	4	Trustees may levy taxes, how and for what purposes, may borrow money, &c.,	12
Election to be published, polls to be kept open, duties of the judges,	5	Collector, his powers and duties,	13
Trustees to be sworn, oath to be filed, chairman and clerk to be chosen, stated meetings fixed by ordinance, board convened, how style of ordinance, chairman, <i>pro tem.</i> , duties of chairman,	6	Board to appoint certain officers and prescribe their duties, compensation and tenure of office, may require bond, &c.,	14
Title to streets, alleys and other property, heretofore vested in said town, now vested in board of trustees, powers and duties of said board,	7	Qualifications of electors,	15
Powers and duties of trustees with regard to streets, alleys side walks passways &c,	8	Qualifications of trustees,	16
Board by ordinance, may prohibit gambling and other things, may establish markets and make rules and regulations,	9	Fines, penalties and forfeitures, how recovered,	17
Paving of footways, side walks, streets, power for doing, where vested,	10	Citizens within corporate limits entitled to certain exemptions,	18
Trustees may purchase burying ground, may purchase academy,	11	Board may by ordinance declare any part of general law incorporating towns, not inconsistent with this act, in force; manner of,	19
		County court to appoint first board of trustees,	20
		General Assembly may alter, amend or modify this act,	21

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That so much of the south west quarter of the section numbered twenty-four, in township fifty-eight, of range six, west of the fifth principal meridian, as was donated to the county of Marion for a seat of justice, bounded as follows : on the east by the land owned by F. H. Edmondson; on the north by the lands owned by Charles H. Allen, and Joseph Nicholson; on the west by the lands owned by the heirs of David Bradley, the lands owned by Samuel T. Glover and Carty Wells, and on the south by the old town of Palmyra; also, the whole of the north west quarter of section numbered twenty-five, in same township and range; also, blocks numbered fifty-five, fifty-six, fifty-seven and fifty-eight, of Dickerson's addition to the town of Palmyra, being a portion of the north, and of the south west quarter of said section twenty-five; shall be and continue a body politic and corporate, by the name and style of the inhabitants of the town of Palmyra, and by that name the inhabitants of said town and their successors, shall be known in law, have continual succession, may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all matters may purchase, receive and hold property, real and personal, within the limits of said town, as shall be necessary for said town in the exercise of the corporate powers, and may lease, sell and dispose of the same for the benefit of said town, and may have a common seal and alter the same.

§ 2. The corporate powers of said town shall be vested in a board of trustees, to consist of five members, to be chosen by the qualified voters of said town, a majority of whom shall be a quorum to do business, but a smaller number shall have power to adjourn from day to day and to compel the attendance of absent members in such manner and under such penalties as they may have by ordinance or by-laws previously established; they shall judge of the returns and qualifications of their own members; determine ties, contested elections; make rules and by-laws

for their own proceedings; punish any member or other person for disorderly behavior in their presence, while sitting as a board. They shall keep a journal of their proceedings and at the request of any member, enter the yeas and nays upon their journal on any question, and all their proceedings shall be public.

§ 3. An election shall be held in the town of Palmyra on the third Monday of April next, and on the same day of every year thereafter for the election of trustees, who shall hold their offices one year, and until their successors are elected and qualified. All elections under this act to be conducted by three judges, to be chosen by the board, who shall judge of the qualifications of electors, and shall cause poll books of such election to be kept by two clerks, to be by them chosen; which books [shall be] properly certified; also, an abstract of votes given, shall be returned to the board of trustees; all vacancies in the board of trustees shall be filled by a special election, to be ordered by the chairman of the board and publication made thereof as hereinafter provided; in the event of failure by said chairman to order said special election, any other member of the board or any justice of the peace within said town may order it; should any general election fail, any justice of the peace may appoint judges and order an election for trustees at some time and place, to be conducted as above provided.

§ 4. Judges of elections shall possess the same qualifications as electors, and all vacancies in the office of judges shall be supplied by the board, but if, on the day of any election, any of the judges be absent or refuse to act, the qualified electors present may appoint a judge or judges, to hold such election; all elections under this act shall be by ballot until otherwise directed by ordinance.

§ 5. Every election shall be published in at least one newspaper printed in said town, at least three weeks before the day of election, by order of the board, and the polls shall be kept open from ten o'clock in the morning until five o'clock in the evening; after the polls are closed the judges shall cast up the votes, and make an abstract as before provided, and shall grant a certificate of election to the five persons who shall have received the highest number of votes.

§ 6. Every trustee before entering on his office, shall take an oath or affirmation to support the constitution of the United States, and of this State, and faithfully to demean himself in office, which oath shall be endorsed on the certificate of his election, and filed by the clerk of the board. Every board of trustees shall assemble within ten days after their election and choose one of their members chairman for the year, for which they are elected, and some other person as clerk, the board shall by ordinance fix the time and place of holding their stated meetings, but may be convened at any other time by the chairman, who shall, when specially called, inform them of the cause of their being convened. The style of their ordinance shall be, Be it ordained by the board of trustees of the town of Palmyra. If the chairman be absent from any meetings of the board, the trustees may appoint a chairman, *pro tempore*. It shall be the duty of the chairman on the first days of March and September, in each year, to make out a correct state-

ment of all moneys received and expended, (and if the board direct, from whom received and how and to whom paid out) during the six months next preceding, and cause the same to be published in some newspaper, published in said town, within ten days thereafter, and on failure to do the same, he shall forfeit the sum of fifty dollars for each neglect or failure, to be recovered and applied as other fines and forfeitures under this act, the chairman shall also publish the by-laws and ordinances of the board.

§ 7. The legal title to all the streets and alleys in said town, and to all the real, personal and mixed estate, which now does or hereafter may belong to said town, shall be and is hereby vested in said board of trustees, and their successors in office, and they shall have full power to maintain and carry into judgment and execution any action or actions of trespass for any injury done to the same, and may in like manner maintain and carry into judgment any other appropriate action or actions for recovery of their property, or for damages for the detention, taking, injuring, or destruction of the same, and that the same process may issue and execution be awarded, as are applicable by law to suits by private individuals.

§ 8. The board of trustees shall have power and authority to clear the streets, alleys, side walks, and passways in said town of all obstructions, to erect and sink cisterns, wells and pumps, to keep open and protect all public springs. They shall also have power to preserve and protect free from incumbrance or injury, all the public grounds and improvements in said town, to remove or cause to be removed and abated any nuisance or nuisances, in said town, to regulate the storage or removal of combustible or unwholesome materials that may injure health, or tend to diminish the comfort of the citizens or the security of their property; to cause any chimneys, flues, stove pipes, or fire places, that in their judgment may threaten or endanger the security of property, to be changed and repaired, so as to remove the cause or danger of insecurity; they shall also have power and authority to cause the owners and occupiers of property fronting on the street or alleys, to keep the streets and alleys in front of them clear and free from dirt or filth, and in all cases enumerated in this section, when the person who should do so, fail or refuse to obey and perform the directions given in relation thereto by the board of trustees, or proper officer appointed by them, the said trustees may have their orders executed at their own expense, and the costs and charges thus incurred, shall be paid by those who should have complied with the directions of the board, and may be recovered by the board, by action of debt, before any court of competent jurisdiction.

§ 9. The board of trustees shall have power and authority to pass by-laws and ordinances, to prohibit gambling and gaming houses, to license, regulate, or prohibit theatrical amusements, shows, or exhibitions of any kind; to prevent or restrain the meeting of slaves, or any improper conduct by them; to regulate and establish markets; to prevent the firing of fire arms; to prevent the galloping or furious riding of horses or mules, within the bounds of said corporation; to establish night watches and patrols, to provide against fire or for the extinguishment thereof; to prevent and suppress bawdy houses, and all disorderly houses within said town; to open, establish, widen, extend and repair streets, avenues, lanes, alleys, and public squares; to prevent and punish all fighting, quarrelling, Sabbath breaking, drunken-

ness, indecent or profane language; to prevent the introduction of contagious diseases, and secure the general health of the town, to pass all such laws and ordinances for the regulation and police of said town, as said trustees may deem necessary, not contrary to the laws of the land.

§ 10. Said trustees shall have power to have the footways and side walks of the streets, paved at the expense of the owners or occupiers of the adjacent lots, and if such owner or occupier fail to pave the same, as directed by ordinances, said trustees shall pave the same and recover the full expense thereof, from such owner or occupier, before any court of competent jurisdiction, by action of debt; and if any tenant be required to pave in front of the property occupied by him, the expense thereof shall be a good off-set against so much of the rent due the owner, but no tenant shall be required to expend more than the rent for the term for which he occupied the property; if any person who is a non-resident fail to pave in front of his property, in the manner and time prescribed by ordinance, or if any person who is a resident fail to pave as aforesaid, and the expense of paving cannot be otherwise recovered from him, the said trustees may have such lot or any part thereof sold, to defray the expenses of such improvement, in such manner as said board may by ordinance provide; provided that non-residents whose property has been sold under the provisions of this act, shall have the right to redeem the same within two years from the date of such sale, by paying the full amount of taxes and costs due thereon, together with interest at the rate of fifteen per cent. per annum.

§ 11. The said trustees shall be authorized to purchase, and hold any quantity of ground of not more than five acres, to be within two miles of the limits of said town, for a burying ground, and may make all needful regulations for the use and protection of the same, they shall have full power to purchase the necessary ground and buildings, or erect buildings for an academy in said town, and make all necessary regulations in relation to said academy, and the government and carrying on of the same.

§ 12. Said trustees shall have power to levy and collect taxes on all property, real and personal, in said town, not to exceed one-half of one per cent. on the assessed value of the property, (the valuation thereof to be fixed by the State assessment for the current year) unless a majority of the householders residing within said town shall petition them in that behalf, to borrow money, if necessary for the improvement or paving of streets, or for other necessary public works on the credit of said corporation.

§ 13. The collector for said town, shall have the same power, and may use the same means to collect all taxes which is by law conferred upon the collectors of revenue for the State, and where the taxes due from non-residents are collected from the tenant of the property of such non resident, which the collector may do; no tenant shall be compelled to pay more than the rent of said property, and the amount so paid by said tenant shall be a good off-set against the owner of the property. The board may by ordinance, adopt any other mode to collect taxes, not contrary to the laws of the land.

§ 14. Said board of trustees may appoint an assessor, collector, treasurer, clerk, constable and such other agents and officers as may be necessary, and

shall by ordinance prescribe their duties, compensation and tenure of office' and may require of any such officer or agent, sufficient bond and security' and require them to take an oath for the faithful performance of their duties.

§ 15. All free white male persons of the age of twenty-one years, residing within the limits of said town, who are otherwise qualified, and who shall have paid a town tax, shall be entitled to vote at all elections, for town officers at all such elections, which may be held, before a town tax shall have been levied and become due and payable, all persons otherwise qualified who shall have paid a county tax, shall be entitled to vote.

§ 16. No person shall be a trustee who shall not have attained the age of twenty-one years, who shall not be a free white male citizen of the United States, and have resided in said town at least one year next preceding the election, and shall be [a] householder at the time of his election.

§ 17. All fines, penalties and forfeitures, imposed by this act, or any by-law or ordinance of the board, may be recovered by action of debt in the name of the corporation, in any court of competent jurisdiction, and be applied as may be provided for by ordinance.

§ 18. All the citizens within the incorporated limits of said town, shall be exempt from working upon any road or roads, beyond the limits of said corporation or from paying any tax to procure laborers to work upon said road or roads.

§ 19. The board may, at any time, by ordinance, declare any part or parts of the general law for incorporating towns, not inconsistent with this act, to be in force for the government of the corporation created by this act, provided the same be published in some newspaper printed in said town, which part or parts so published, shall be in force as prescribed by the ordinance, but not until thirty days after the publication, as aforesaid.

§ 20. The county court of the county of Marion, immediately after the passage of this act, shall appoint the first board of trustees, who shall act until an election takes place under the provisions of this act.

§ 21. The General Assembly may alter, amend or modify this act at pleasure.

This act to be in force from and after its passage.

APPROVED, March 3, 1845.

INCORPORATIONS.

AN ACT amendatory of an act to incorporate the City of Boonville, approved February 8th, 1839.

	SECTION		SECTION
Appeals from assessment of damages in certain cases to circuit court	1	After granting appeal, duties of mayor thereon	5
Duties of mayor, upon inquests or assessments of damages	2	Duties of clerk, on the granting of appeals	6
Mayor shall grant appeals	3	Appeals, to be tried <i>de novo</i>	7
Before appeal is granted, party applying shall give bond with security	4	Upon trials on appeals, it shall be good cause of challenge to person offered as a juror, that he is a citizen of the incorpora-	

	SECTION		SECTION
tion, or owns property therein	8	before mayor and councilmen shall open	
Assessments made previous to passage of		or widen any street or avenue through the	
this act, may appeal from, within twenty	9	lands or lots of any person or persons	10
days after it takes effect		In assessing damages, duties of the jury	11
Assessed damages to be paid or tendered—			

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That hereafter it shall and may be lawful for the mayor, councilmen, and citizens of the city of Boonville, or any person or persons, through whose lands or lots of ground any street, avenue, lane or alley shall be extended, opened or widened, or be proposed to be extended, opened or widened under or by viriue of the provisions of the thirteenth section of the above entitled act, to take an appeal to the circuit court of Cooper county from any inquest or assessment of damages made or had by virtue of, or under the provisions of said act.

§ 2. That it shall be the duty of the mayor of the said city to preside at, and upon all inquests or assessments of damages, to be had under the provisions of said act, who shall keep a record of the proceedings, in all cases, of the inquest or assessment of damages contemplated by the first section of this act.

§ 3. It shall be the duty of said mayor of said city, to grant the appeal to the party who shall apply for the same, at any time within twenty days next after such assessment shall have been made, which said appeal may be taken by agent.

§ 4. That it shall be the duty of the said mayor, before granting the appeal, to require of the party applying for the same, to make affidavit and enter into bond with security in the same manner, as by the laws of the State of Missouri, for the time being, may be required of a party appealing from the judgment of a justice of the peace.

§ 5. That it shall be the duty of the mayor, after such appeal shall have been granted to the circuit court, by virtue of the provisions of this act, to file in the office of the clerk of the circuit court, on or before the first day of the next term of said court, after said appeal shall have been allowed, a certified transcript of all the entries, orders and proceedings had therein before him in the original inquest or assessment of damages.

§ 6. And it shall be the duty of the clerk of the circuit court to docket all such appeals for trial in that court, in the same manner as in cases of appeals from judgments of justices of the peace, and the same rules of practice for bringing the parties into court for the continuance or trials of causes, which may be in force at the time, in this State, for the government of trials on appeals from justices courts, shall be observed upon such appeal, so far as the same are applicable.

§ 7. That appeals taken under the provisions of this act, shall be tried *de novo* in the circuit court, in all respects as other causes at issue in said court.

§ 8. That upon all inquests or assessments of damages before the mayor of said city or upon the trial of the same upon appeal to the circuit court, it shall be good cause of challenge to any person offered as a juror in addition

to the causes allowed by the laws of the State at the time, that he is a citizen of the incorporation or owns taxable property therein.

§ 9. That in all cases of inquests or assessments of damages heretofore made or had, by virtue of the provisions of the thirteenth section of the act to which this is amendatory, where the same shall not have been perfected or carried into effect, either party shall be at liberty to appeal from such assessments at any time within twenty days after the taking effect of this act, in the same manner as is above, in this act, prescribed for taking appeals in other cases; and the said appeals shall be tried in like manner as is above provided for the trial of assessments to be hereafter made.

§ 10. That it shall, in no case, be lawful for the said mayor, councilmen and citizens of the city of Boonville to extend, open or widen any street, avenue, lane or alley through the lands or lots of any person or persons, under the provisions of this act, or the one to which this is amendatory, until the damages which may be assessed shall be paid, or tender thereof made to the party entitled to the same.

§ 11. In all assessments of damages to the owners of any real estate in said city, occasioned by taking their property for the opening widening or extending any street, lane or avenue, the jury shall assess, in favor of such owner, the actual value of the property to be taken for that purpose, and shall, in addition thereto, assess the damages, to such owner, which would be the consequence of opening, widening or extending such street, lane or avenue, but the jury, in assessing such consequential damages, shall take into their consideration, and deduct from such damages, the value of the benefits which such owner would derive from the opening, widening or extending such street, lane or avenue.

This act to take effect and be in force from and after its passage.

APPROVED, March 8, 1845.

INCORPORATIONS.

AN ACT to incorporate the City of Lexington.

SECTION.		SECTION
Boundaries described, name of city, a body corporate, style, powers and duties of corporation,	1	Qualifications of mayor,
Corporate powers, in what vested,	2	Mayor and councilmen to appoint certain officers, duties of the mayor powers of, &c ,
Board of councilmen to consist of nine members, division of city into wards, altered or new ones made, how,	3	Where there is a vacancy by death or otherwise, president of board shall, for time being, exercise office of mayor, duties,
Councilmen, how chosen, tenure of office, qualifications, vacancies, how filled,	4	Powers and duties of mayor and councilmen,
Board to appoint president and other officers, judge of qualifications, elections, &c., majority to constitute a quorum, smaller number may adjourn from day to day, power of board in other respects,	5	Further powers regarding streets, alleys avenues, lanes, &c.,
Stated meetings of board, when held, may be convened by mayor,	6	Bills to be presented to mayor for his approval, if refused, a majority of two-thirds may pass it; if bill is presented to mayor and not returned within three days, it shall become a law,
Mayor, by whom elected, tenure of office in case of tie how determined,	7	Style of corporation, ordinances to be

published, when and where,	14	Mayor and councilmen may establish fire	
City register, how appointed, tenure of of-	15	companies, members entitled to certain	
fice, duties,	16	exemptions, independent fire companies,	24
Mayor and all other officers to be sworn,	17	how organized,	
General election for city officers, when held	18	Mayor shall have exclusive jurisdiction	
Qualification of voters, vote to be given	19	in certain cases, in others, concurrent	
<i>viva voce</i> ,	20	jurisdiction with justices of the peace	25
Assessor, when elected, qualifications and	21	in the city,	
duties,	22	First election for mayor and councilmen,	
City constable, qualifications, powers and	23	when held and how conducted and regu-	26
duties,		lated,	
To redeem real estate advertised or sold for		All free white male persons, on conditions	
taxes, proceedings,		entitled to certain exemptions,	27
Annual statement of financial condition		The provisions of this act to take effect	
of city to be published in newspaper or		when approved by majority, to be deter-	
otherwise,		mined by election, when, where and	
Annual appropriations for salaries limited,		how,	28

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. All that district of country lying within the following limits, to wit: Beginning at a stone, the south west corner of the addition to the town of Lexington, in Lafayette county; thence south five chains and 90 links to a stake; thence south 41 deg., west 22 chains and 28 links; thence north 41 deg. 5 chains and 20 links to a stake; thence south 41 deg., west 4 chains and fifty links to a stake; thence north 39 deg. west to the middle of the main channel of the Missouri river; thence down the middle of the main channel of said river to a point in the middle of the main channel of said river immediately north of the north west corner of said addition to said town; thence south to the north west corner of said addition to said town; thence south 23 deg. east 8 chains to a stake; thence south 14 deg. west 19 chains and 24 links to a stake; thence east 67 chains 24 links to a stake; thence south, without any variation of the compass, 16 chains and 50 links to a stake the south side of main street, in said addition to said town; thence west 45 chains 23 links to a stake; thence south 3 chains and 25 links to a stake, the south east corner of the grave yard in said addition to said town; thence west 39 chains and 56 links to the beginning, shall be and is hereby erected into a city by the name of the city of Lexington, and the inhabitants shall be and are hereby constituted a body politic and corporate by the name and style of the mayor, councilmen and citizens of the City of Lexington, and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions and matters whatsoever, may grant, purchase, receive and hold property, real and personal, within said city, and no other, (burial ground excepted,) and may lease, sell and dispose of the same for the benefit of said city, and may do all other acts as natural persons, may have a common seal, and may break or alter the same at pleasure.

§ 2. The corporate powers and duties of said city shall be vested in a mayor and councilmen, who shall be chosen and appointed as hereafter directed.

§ 3. The board of councilmen shall consist of nine members, for the election of whom the city shall be divided into convenient wards by the board of councilmen, which may be altered from time to time, and new wards created as the convenience of the inhabitants may require; the councilmen shall be appointed and apportioned among the several wards, in proportion to the number of qualified voters in each.

§ 4. The councilmen shall be chosen by the qualified electors for the term of one year; shall be at least twenty-one years of age, citizens of the United States, and inhabitants of the said city for two years next preceding their election, and whenever there shall be a tie in the election of councilmen, it shall be determined by the judges of the election in the ward in which it shall happen by lot, and all vacancies shall be filled by the election as aforesaid in such manner as shall be provided for by ordinance.

§ 5. The board of councilmen shall appoint their president and all other officers of their board; shall judge of the qualifications, elections and returns of their own members; a majority of the whole number shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board may provide; they may determine the rules and regulations of their proceedings; punish their members for disorderly conduct and by the concurrence of two thirds of their whole number, expel a member; but not a second time for the same cause, and they shall, at the request of any member, cause the yeas and nays to be called and entered on their journal.

§ 6. The stated meetings of the board of councilmen shall be on the first Mondays of March, June, September and December in every year, at which time they may adjourn from day to day, but they may be convened at any other time, on extraordinary occasions, by the mayor; provided, however, that the mayor and board of councilmen may, by ordinance, alter the time of holding their stated meetings.

§ 7. The mayor shall be elected by the qualified electors of the city, shall hold his office for the term of one year and until his successor is duly elected and qualified, and when two or more persons shall have an equal number of votes for mayor, or when any election for mayor shall be contested, it shall be determined by the board of councilmen.

§ 8. The mayor shall be at least twenty-five years of age, a citizen of the United States, shall have resided within the city at least two years next preceding his election, and be otherwise qualified as in case of councilmen.

§ 9. The mayor and councilmen shall have power to appoint all officers within the city which are not ordered by law or ordinance to be otherwise appointed or elected. The mayor shall take care that the laws of the State and the ordinances of the corporation are duly enforced, respected and observed within the limits of said city; he shall have power with the consent of the board of councilmen to remove from office any person holding any office created by ordinance, to remit fines and forfeitures, to grant reprieves and pardons in any case under the ordinances of the cor-

poration; he shall be a conservator of the peace within the limits of the city; he shall have power to fill all vacancies which may happen in any office (other than that of councilmen) until the end of the session of the board of councilmen, which shall next occur after said vacancy; he shall from time to time give to the board of councilmen relative to the situation and affairs of the city, and shall recommend to their consideration such measures as he shall deem expedient for the welfare and good order of said city; he may, on extraordinary occasions, convene the board of councilmen by proclamation, stating to them, when assembled, the object for which they were convened; and he shall receive such compensation for his services as may be provided by ordinance.

§ 10. When any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, removal from office, refusal to qualify or otherwise, the president of the board of councilmen, for the time being, shall exercise the office of mayor until such vacancy shall be filled, and during that time he shall receive the same compensation as the mayor would have been entitled to, and in case of vacancy as aforesaid, other than a temporary absence from the city, the person exercising the office of mayor shall cause a new election to be had, giving ten days notice thereof by proclamation.

§ 11. The mayor and board of councilmen shall have power by ordinance to levy and collect taxes upon real and personal property within the city, not exceeding one half of one per centum upon the assessed value thereof, except as hereinafter excepted, to make regulations to secure the general health of the inhabitants, to prevent and remove nuisances, to establish night watches and patrols, erect lamps in the streets and light the same, to improve and preserve the navigation of the Missouri river within the limits of the city, to erect, repair and regulate wharves and docks, to regulate the erecting and rates of wharfage at private wharves, to regulate the stationing, anchoring and mooring of vessels, to license and regulate the tax and toll of ferries, to provide for licensing, taxing and regulating waggons, carts, drays, pawn brokers, venders of lottery tickets, auction[eer]s, retailers, ordinaries and taverns, billiard tables and ten-pin alleys, hackney carriages, money changers and peddlers, theatrical and other shows and amusements, to restrain and prohibit tippling houses, gaming and gaming houses, to prevent riots, noises and disturbances to the citizens, and impose penalties therefor, to establish and repair bridges, to establish and regulate markets, to open, alter, close and keep in repair streets, alleys, avenues, lanes, drains and sewers; and keep the same cleaned and open, to provide the city with water, to provide for regulating and safe-keeping standard weights and measures to be used in the city; to regulate the cleaning of chimneys and fix the fees therefor; to provide for the prevention and extinguishment of fires; to regulate the size of brick to be made and used within the city; to provide for the inspection of lumber and other building materials, to be sold or used therein; to regulate and order partition and parapet walls and partition fences; to regulate the inspection of butter, lard, wood, coal, and the weight and quality of bread, the storage of gunpowder, tar, pitch,

rosin, hemp, cotton and other combustible materials; to erect pumps in the streets for the convenience of the inhabitants; to regulate the police of the city; to regulate the election of city officers and fix their compensation, and from time to time pass such ordinances to carry into effect the objects of this act, and the powers hereby granted, as the welfare of the inhabitants may require, and to impose and appropriate fines, penalties and forfeitures for the breach of any ordinance, and provide for the execution and collection thereof. Provided that no tax shall be laid on the wearing apparel or necessary tools or implements of any person used in carrying on his trade, nor shall the same be subject to sale or distress for taxes.

§ 12. The mayor and councilmen shall have power to regulate, pave and improve the streets, avenues, lanes, alleys and side walks within the city, and to extend, open and widen any street, avenue, alley or lane, at their discretion, at any place within said city, and to create or open any new street, avenue, alley or lane, at their discretion at any place in said city, making however to the person or persons whose property may be injured thereby, adequate compensation therefor, to ascertain the amount of which the mayor shall in all such cases, caused to be summoned twelve good and lawful men, who shall be residents of the county within which said city is situate, but who shall not reside within the limits of the city, and who are not directly interested, who (being by him first duly sworn for that purpose,) shall inquire into and take into consideration, as well the benefit as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extension, widening or altering any street, avenue, alley or lane, and shall moreover estimate the amount which other persons will be benefitted thereby, particularly designating such persons, and the respective amounts in which they will each be benefitted, (all of whom shall contribute their proportionate and respective amounts, for the purpose of compensating the person or persons injured thereby,) all of which shall be returned to the mayor, under their hands and seals, within five days from the time they are so sworn as aforesaid; and the person or persons who shall be returned so benefitted and so assessed, shall pay such respective amount, and the collection of the same shall be enforced in such manner as shall be provided for by ordinance, and the residue, if any, shall be paid out of the city treasury; *Provided, however,* that any person interested shall have the right to appear before the jury aforesaid, by himself or agent, and he and his witnesses shall be heard before the verdict is rendered; and any person considering himself aggrieved by the verdict, may at any time within ten days after the verdict is returned to the mayor, apply to him for an appeal to the circuit court of said Lafayette county, which shall be granted by the mayor upon the like conditions, and in the same manner as near as may be, as appeals are given from justices of the peace for the time being, and the mayor shall thereupon make out a full and perfect transcript of the proceedings and papers, and file the same in the office of the clerk of said court, within five days after such appeal shall be allowed; and at the first term of said court thereafter, if it be ten days from the time of filing said papers, until the first day of said term, if not, then the first term

thereafter, said matter or cause shall be tried anew under the order of said court, unless continued for good cause, in the same manner, (as near as may be,) in which other causes are tried in said court for the time being; but the fact of any juror living within the limits of said city, shall be good cause for challenge by any party in said court.

§ 13. Any bill which shall have been passed by the board of councilmen, shall before it becomes a law, be presented to the mayor for his approval; if he approve it, he shall sign it, if not, he shall return it with his objections to the board, who shall reconsider the same, and if after such reconsideration a majority of two thirds of the whole number shall pass the bill, it shall become a law, and in all such cases the yeas and nays shall be entered on the journals; if any bill shall not be returned to the board within three days after it has been delivered to the mayor, it shall become a law in the same manner, and as fully, as if he had signed the same.

§ 14. The style of the laws of the corporation shall be "Be it ordained by the mayor and councilmen of the city of Lexington;" and all ordinances shall within one month after they are passed, be published in some newspaper printed in said city, or by twelve written or printed advertisements posted in as many public places in the city.

§ 15. The mayor and board of councilmen shall appoint a city register, who shall hold his office for the term of one year, and until his successor is appointed and qualified, unless sooner removed, who before he enters upon the duties of his office, shall take and subscribe the oath hereinafter prescribed, and shall moreover give bond with sufficient security, to be approved of by the mayor, conditioned for the faithful discharge of the duties of his office; he shall perform all the duties of clerk of the board of councilmen; he shall keep a book or books wherein shall be entered all the proceedings of the board, and all the records of the corporation, which book shall at all proper times be open for the inspection of the citizens, and he shall keep and preserve in his office all records, public papers and documents belonging to the city, and shall perform such other duties as shall be enjoined upon him by ordinance.

§ 16. The mayor and each of the councilmen and every other officer of the corporation, shall before entering upon the duties of his office, take an oath or affirmation before some judge or justice of the peace, to support the constitution of the United States, the constitution of this State, and faithfully to demean himself in office.

§ 17. A general election for corporation officers shall be held on the first Monday of June in each and every year, in the several wards of the city, in such manner as the mayor and councilmen shall by ordinance provide.

§ 18. All free white male inhabitants of the age of twenty-one years and upwards, who shall have resided within the city for twelve months next preceding the election, shall be entitled to vote at any and all elections for city officers, and at such elections the vote shall be given *viva voce*.

§ 19. At each general election for the officers of the city, there shall be elected an assessor for the city, who shall at the time of his election

possess the same qualifications as are required of councilmen, and the duties of assessor shall be prescribed by ordinance.

§ 20. At each general election for the officers of the city, there shall be elected a city constable, who shall at the time of his election possess the same qualifications as were required for councilmen, who shall, before entering upon the discharge of the duties of his office, take the oath prescribed in this act, and enter into bond to the corporation with two or more sufficient securities, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office, which bond shall be deposited in the office of the city register, and by him recorded; and the said constable shall possess the same powers, and perform the same duties within the limits of the city, as the constables of the different townships possess in their respective townships, and shall execute and return all process which may be issued by the mayor, or any justice of the peace in the city, which is delivered to him, and shall perform such other duties as shall be prescribed by ordinance; and he shall be entitled to the same fees as constables are entitled to for similar services.

§ 21. When any real estate shall be advertised for sale, or shall have been sold for taxes by the authority of [the] corporation, the owner or owners thereof, may within two years thereafter redeem the same, by paying the purchaser the amount of the purchase money, and taxes subsequently paid, and all costs due thereon, together with fifteen per centum per annum on the same.

§ 22. It shall be the duty of the mayor and the board of councilmen, and they are hereby required to cause to be published annually, in some newspaper printed in the city, or by twelve printed or written hand bills posted in as many public places in the city, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended; said publication shall be made within one month of each annual election, and at least two weeks before said election shall take place.

§ 23. It shall not be lawful for the mayor and councilmen to expend more than one thousand dollars for the payment of the salaries of the mayor and other officers of the corporation for any one year; and the mayor shall receive from the corporation a stated salary not to exceed the sum of three hundred dollars per annum, at the discretion of the board. At the meeting of the mayor and councilmen previous to each annual election, they shall fix the salaries of all the officers of said corporation for the succeeding year.

§ 24. The mayor and board of councilmen, shall have power to organize and establish fire companies in the city, and the members thereof shall be exempt from militia duty in time of peace; and the mayor and councilmen may permit the organization of independent fire companies, under their own rules and by-laws, and the members of such independent fire companies shall be exempt from the same duties, as companies established by the mayor and councilmen.

§ 25. The mayor shall have exclusive original jurisdiction of all cases arising under this act of incorporation, and under all ordinances of the

city; and he shall also have concurrent jurisdiction with each and every justice of the peace in the city, over all cases of all kinds whatever, whether civil or criminal, arising under the laws of the State, within said corporation, subject, however, to an appeal or certiorari, in all cases, to the circuit court of Lafayette county; and such appeals and certioraris shall be granted and taken in the same manner as appeals and certioraris are taken and granted from justices of the peace to the circuit courts; and the said mayor shall have the same powers, and exercise the same duties and jurisdiction of justices of the peace, and in the same manner within said city, and he shall receive the same fees therefor, as are allowed by law to justices of the peace for similar services; and he shall hold his courts as often, (and not oftener) for civil business, as justices are required, and be subject to the same laws and regulations in his proceedings.

§ 26. The first election for mayor and councilmen and other officers of the corporation, shall be held and conducted by judges to be appointed by the county court of Lafayette county, and said court is hereby authorized and required to appoint the same, who shall reside within the limits above mentioned, at such place within said limits as may be designated by said judges, which said election shall be conducted as near as may be, according to the existing laws of the State regulating elections, notice of the time and place of holding such election shall be given by said judges, at least two weeks, by advertisement in some newspaper printed in the city or by twelve hand-bills posted in as many public places in the city, and the said judges shall make out and deliver, to each person elected, a certificate thereof, and the person so elected shall take and subscribe the oath of office, before some judge or justice of the peace in the city, which shall be endorsed on his certificate by such judge or justice, and at such first election all persons qualified to vote at a general election, for State and county officers, residing in the foregoing limits, shall be entitled to vote for all officers to [be] elected.

§ 27. All free white male persons, who shall have resided within the limits of the city one year next preceding, shall be exempt from working on public roads and highways without the limits of the city, so long as he may reside in said city.

§ 28. The foregoing provisions of this act shall take effect as soon as they shall be accepted by a majority of the voters within said limits, in manner following, that is to say, an election shall be held on the first Monday of May next, by three judges, who shall be appointed by the county court of Lafayette county, and said court is hereby required, at least four weeks before that time, to appoint the same, who shall reside within said limits, which said election shall be held at such place within said limits, as may be designated by said judges, notice thereof being given, by them, of the time and place of said election, at least two weeks, by advertisement in some newspaper printed in said limits, or by twelve hand-bills posted up in as many public places in said limits, at which said election all free white male persons, over the age of twenty-one years, residing within said limits, shall be entitled to vote, and at said election the voters shall vote *viva voce* for or against the city charter, and said election shall be conducted as near as may be, according to the laws, now in force in this State, regulating elections, and if a

majority of all the votes given shall be for the city charter, then the said judges shall determine on what day the election for city officers shall be held, which shall not be more than two months, nor less than two weeks after the acceptance of the city charter, and said judges shall cause a notice thereof to be published in some newspaper printed in said limits, or by twelve advertisements posted up in as many public places in said limits, at least two weeks before the day appointed for such election; but if the charter shall not be accepted, as aforesaid, the said county court of Lafayette county shall, from time to time, whenever they shall be petitioned, to that effect, by fifty householders residing within the limits, appoint judges and cause an election to be held, as aforesaid, for or against the charter, until the charter shall be accepted, the judges always giving two weeks previous notice, in the manner aforesaid, of the time and place of such election. And when the charter shall be accepted, as aforesaid, the judges of the election shall proceed as herein before provided in case of acceptance, and the city officers, who shall be elected at the first election, shall continue in office until the first Monday in June then next following and until their successors are duly elected and qualified; and after the first general election for city officers, all subsequent elections therefor shall be regulated by judges appointed and provisions made by the mayor and board of councilmen then in office, and it is hereby made their duty to appoint such judges, and make such provisions, from year to year, at their last stated meeting prior to the time of such regular election. If this charter shall not be accepted in the manner provided herein, within the space of two years from the time of holding the first election for its reception or rejection, it shall be null and void. Provided, however, that the General Assembly may, at any time, repeal, alter, amend or modify this act at pleasure.

APPROVED, March 8, 1845.

INCORPORATIONS.

AN ACT to incorporate the inhabitants of the town of Fayette.

SECTION.		SECTION.	
Boundaries—a body corporate, name and style; powers	1	President to be sworn, his powers and duties	7
Corporate powers and duties, vested in a president and board of trustees	2	In cases of vacancy in the office of president, proceedings	8
Board of trustees, to consist of five members, tenure of office, by whom elected, qualifications, in case of tie, proceedings	3	President and board of trustees, their powers and duties	9
Board shall appoint chairman and other officers: judge of qualifications, elections and returns of members—majority shall form a quorum, smaller number may adjourn and compel attendance of members, &c.	4	Trustees, <i>ex officio</i> , conservators of the peace	10
Stated meetings of board, when—may be convened by president	5	Style of laws—publication of ordinances, how—veto power, &c.	11
President, by whom elected, qualifications; in case of tie, proceedings	6	All officers of corporation to be sworn. Property heretofore vested in the president and citizens of the town of Fayette, now vested in the corporation created by this act	12
		Taxes may be levied for certain purposes, how	13

	SECTION.		SECTION
General election when held, and where, first election, by whom conducted	14	bled, to make choice of conductors of election	16.
Votes to be given <i>viva voce</i> , elections how governed	15.	Duties of trustees with regard to roads, bridges, &c., within certain limits, citizens of corporation entitled to certain exemptions	17
If majority of those named in fourteenth section fail to execute duties, voters assem-		Corporation, how dissolved	18

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That all that district of country contained within one-half mile square, of which the court house in Howard county shall be the centre, the sides being parallel with the sides of the court house, shall be, and is hereby erected into a corporation by the name of the town of Fayette, and the inhabitants thereof shall be, and are hereby, constituted a body politic and corporate by the name and style of "The president, trustees and citizens of the town of Fayette," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions and matters whatsoever, may grant, purchase, receive and hold property, real and personal, within the said town, and may lease, sell and dispose of the same for the benefit of the town, and may do all other acts as natural persons, and may have a common seal.

§ 2. That the corporate powers and duties of said town shall be vested in a president and board of trustees, who shall be chosen and appointed as hereinafter directed.

§ 3. That the board of trustees shall consist of five members, to be chosen for the term of one year, and until their successors shall be elected and qualified by the qualified voters within said town. They shall be, at least, twenty-five years of age, and citizens of the United States, and inhabitants of the said town for one year next preceding their election, and whenever there shall be a tie in the election of trustees, it shall be determined by the judges of the election, by lot, and all vacancies shall be filled by election, as aforesaid, in such manner as shall be provided by ordinance.

§ 4. That the board of trustees shall appoint their chairman and all other officers of the board, shall judge of the qualifications, elections and returns of their own members. A majority shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, in such manner and under such penalties as the board may provide. They may determine the rules of proceedings, punish their members for disorderly conduct, and, by the concurrence of four members, expel a member, but not a second time for the same cause. They shall, at the desire of any member, cause the yeas and nays, on any question, to be entered on the journals.

§ 5. That the stated meetings of the board of trustees shall be on the first Wednesdays of April, July, October and January, in every year, but they may be convened at other times, on extraordinary occasions, by the president of the town.

§ 6. That the president shall be elected by the qualified electors of the town, shall be, at least, twenty-four years of age, a citizen of the United

States, and shall have resided within the town, for at least two years next preceding his election, shall hold his office for the term of one year, and until his successors shall be duly elected and qualified. When two or more persons shall have an equal number of votes for president, or any election for president shall be contested, it shall be determined by the board of trustees.

§ 7. That the president shall take care that the laws of the State, and the ordinances of the corporation, are duly enforced, respected and observed within said town; he may remit fines and forfeitures and grant reprieves and pardons in any case arising under the ordinances of the corporation.

§ 8. That when any vacancy shall happen in the office of president, the chairman of the board of trustees for the time being, shall exercise the office of president, until such vacancy shall be filled, which however, shall be done immediately, the chairman giving ten days notice of the time of said election.

§ 9. That the President and board of trustees shall have power to levy and collect taxes upon real and personal property within the town, not exceeding at any time one-eighth of one per cent. per annum, upon the assessed value thereof, nor less than one sixteenth of one per cent. per annum upon such assessed value, except by the unanimous concurrence of the board of trustees; that they shall have power to levy and collect a poll tax upon each free white male within said town, over the age of sixteen, and upon each slave over that age, not exceeding at any time one dollar per head per annum, nor less than seventy-five cents, except by the unanimous consent of the board aforesaid; *provided* that such property shall be taxable only, as shall for the time be subject to taxation, for State and county purposes; they shall have power to prevent and remove nuisances, to establish and regulate markets, to provide for the prevention and extinguishment of fires, to prevent the introduction of contagious diseases, to regulate the storage of gunpowder, to provide for taxing and licensing theatrical and other shows and amusements, to erect pumps in the streets, to regulate the police of the town, to improve, and keep in repair, the squares, roads, streets and alleys of the town, and, from time to time, to pass such ordinances, to carry into effect the objects of this act, and the powers hereby granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof; *provided* that no tax shall at any time be levied on the wearing apparel or necessary tools or implements of any person, used in carrying on his trade, nor shall the same be subject to distress, or sale for tax, fines or forfeitures.

§ 10. That the trustees shall be, *ex officio* conservators of the peace, throughout the town, and shall within the same, have all the powers and jurisdiction now vested in justices of the peace, ~~in matters of a criminal nature~~, and shall exercise and perform all powers and duties, which may be vested in or required of them by ordinance, and from the decision of any trustee or other officer of the corporation; appeals may be prosecuted to the circuit court in the same manner that appeals may be taken from justices of the peace, for the time being.

§ 11. That the style of the laws of said corporation shall be, "Be it ordained by the president and board of trustees of the town of Fayette," and all ordinances shall be made public, within one month after their passage, by posting up a true and attested copy of the same, in a legible hand, at such public place in said town as may be directed by the board of trustees. Every bill which shall have been passed by the board of trustees, shall, before it becomes a law, be presented to the president for his approbation, if he approve it, he shall sign it, if not, he shall return it to the board with his objections, and they shall reconsider the same, and if, after such reconsideration, a majority of the whole number elected shall pass the bill, it shall become a law, and in all such cases, the yeas and nays shall be entered on the journals. If any bill shall not be returned to the board within five days after it shall have been delivered to the president, as aforesaid, it shall become a law, in the same manner as if he had approved it; *provided* that no law shall be passed, repugnant to the laws of the State.

§ 12. The president, and each of the trustees, and every other officer of the corporation, shall, before entering on the duties of his office, take an oath or affirmation, before some judge or justice of the peace, to support the constitution of the United States, and of this State, and faithfully to demean himself in office, and all the corporate rights and property, real or personal, which were vested in the president, trustees and citizens of the town of Fayette, by virtue of an act of the General Assembly of the State of Missouri, entitled, "an act to incorporate the inhabitants of the town of Fayette," approved the 13th day of February, 1833, and all property, real or personal, of whatsoever nature or kind, owned or possessed by the said corporation, at the time of its dissolution, shall be, and the same is hereby declared vested in the corporation created by this act, absolutely.

§ 13. That taxes, for the following purposes, shall be levied as follows: if for an engine, reservoir or any other implement for the protection of the town from fire, upon the improvements disconnected from the lots or land: if for a market house, by a poll tax, and if for the improvement or repair of the square, roads, streets or alleys, by a poll tax, and also an ad valorem tax on personal property, and on the lots and land disconnected from the improvements.

§ 14. That a general election, for the president and trustees, aforesaid, shall be held in the Court House, in said town, on the first Monday in April, in each and every year, the judges and clerks to be appointed by the board of trustees, and the nature of the oath to be taken, to be prescribed by ordinance. The first election, for president and trustees, shall be conducted by Samuel C. Major, Larkin Richardson and Abiel Marley, or a majority of them, who shall make out and deliver, to each person elected, a certificate of the same, which shall be evidence of such election.

§ 15. In all elections, the votes shall be given *viva voce*, and the judges thereof to be governed by the laws of the State, in force at the time of such election, regulating general elections of this State; *provided* the General Assembly of this State may, at any time, repeal, alter or amend this act of incorporation.

§ 16. If a majority, or all the persons named in the fourteenth section,

shall fail or refuse to execute the duties therein enjoined upon them, then it shall be the privilege and duty of the voters assembled on the day of election, to choose, from among themselves, three qualified persons, whose acts, in such case, shall be as valid, and who shall perform the same duties as the persons mentioned in said section.

§ 17. It shall be the duty of the board of trustees to cause all the public roads and highways, together with the bridges on the same, over the ravines and branches, within the limits of said incorporation, to be kept in good repair, and the inhabitants of said town shall not be subject to labor upon, or pay a tax for making, or keeping in repair public roads and highways, out of the limits of said town, neither shall persons, not inhabitants of said town, be compelled to labor upon, or pay a tax for keeping the roads, (together with the bridges on the same,) streets or alleys in repair, in the limits of said incorporation.

§ 18. Whenever two-thirds of the qualified voters of the corporation created by this act, shall, by written petition, pray the county court of Howard county, to dissolve the same, said court shall make an order dissolving the said corporation, and, from thenceforth, the powers and privileges by this act granted, shall cease and determine.

This act to take effect and be in force from and after its passage.

APPROVED, March 12, 1845.

INCORPORATIONS.

AN ACT to incorporate the Apprentices Library Association of St. Louis.

SECTION.	SECTION.
Apprentices Library Association of St. Louis is incorporated. Their powers and privileges	govern until duly changed. 2
Present constitution, by-laws and officers to	This act may at any time be altered or repealed 3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That all and every person who shall, at the time of the passage of this act, be members of the association called the "Apprentices' Library Association of St. Louis," and their successors, shall be and they are hereby created and declared a body politic and corporate, by the name, style and title of the "Apprentices' Library Association of St. Louis," and by the same shall have perpetual succession, and shall sue and be sued, implead and be impleaded in all courts of record or elsewhere, and may purchase and receive, have, hold and enjoy, to them and their successors, books, maps, charts, philosophical and chemical apparatus, mineralogical and other specimens calculated to improve the minds and add to the usefulness and happiness of the members; also such real estate as shall be necessary for the use and occupancy of said association, and the same may sell, grant, devise, alien or dispose of; also such funds as they may

acquire by gift, testament or otherwise, and such bonds, deeds of trust, mortgages and annuities as may be necessary for the investment of said funds; they may also have a common seal and alter the same at pleasure, and may make such constitution, regulations and by-laws as may be requisite for its government, and not contrary to the laws of the land, and may alter the same at pleasure.

§ 2. The constitution and by-laws of said association, now in operation, shall govern the corporation hereby created until regularly altered or repealed by the association, and the present officers of said association shall be officers of the corporation hereby created until their respective terms of office shall regularly expire or be vacated.

§ 3. The Legislature may at any time alter, amend or repeal this act.

This act to take effect from and after its passage.

APPROVED, March 13, 1845.

INCORPORATIONS.

AN ACT to incorporate the town of Savannah.

SECTION	SECTION
The town of Savannah incorporated; its limits, and powers and privileges as a corporation defined 1	duties; to give bond and take an oath, &c. Powers of said board respecting pavements, &c. 7
Corporate powers vested in a board of seven trustees; four a quorum; their powers, &c. defined. Journal of proceeding to be kept 2	Town taxes, how collected 8
Trustees to take an oath, &c.; to meet and elect certain officers within a certain time; style of ordinances 3	Fines, &c, how collected. Citizens of said town to be competent witnesses and jurors. A justice may, in certain cases, issue attachments. 9
Powers of said board specified 4	Chairman on the 1st. of May annually to publish an account of the expenditures, &c. Penalty for failure to do so 10
Time and manner of conducting elections for trustees. Vacancies, how filled 5	The general law to govern in certain cases. This act may be altered or repealed 11
Certain town officers to be appointed; their	

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That district of country known by the name of the town of Savannah, lying within the following limits, to wit: the south-east quarter of section No. nine, of township No. fifty-nine, of range No. thirty-five, in the county of Andrew and State of Missouri, shall be and continue a body politic and corporate, by the name and style of the inhabitants of the town of Savannah, and by that name the inhabitants of said town and their successors shall be known in law, have continual succession, may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; may purchase, receive and hold property, real and personal, within the limits of said town and commons thereunto attached, as shall be necessary for said town in the exercise of her corporate powers, and may lease, sell and dispose of the same for the benefit of said town; may have a common seal and alter the same.

§ 2. The corporate powers of said town shall be vested in a board of trustees, to consist of seven members to be chosen by the qualified voters of said town, any four of whom shall be a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members; they shall judge of the qualifications and returns of their own members; determine contested elections; make rules and by-laws for their own proceedings; punish any member or other person for disorderly behavior in their presence while sitting as a board; and with the concurrence of four members may expel any member after he has had a due hearing in defence, if he desire it; but they shall not expel a member the second time for the same cause: they shall keep a journal of their proceedings, and at the request of any member shall enter the yeas and nays on the journal on any question, and all their proceedings shall be public.

§ 3. Every trustee, before entering on the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to demean himself in office, a certificate of which oath shall be endorsed on the certificate of his election, by the clerk of the board. Every board of trustees shall assemble within five days after their election, and choose one of their members chairman, and some other person as a clerk. The board shall, by ordinance, fix the time and place of holding their stated meetings, but may be convened by the chairman, at any other time, and he shall inform them of the cause of being convened. The style of their ordinances shall be "Be it ordained by the board of trustees of the town of Savannah."

§ 4. Said board of trustees shall have power to pass by-laws and ordinances to prevent and remove nuisances; to prohibit gambling and gaming houses; to license, regulate or prohibit theatrical or other amusements; to prevent or restrain the meeting of slaves; to regulate and establish markets; to erect and repair bridges; to prevent the firing of fire-arms; to prevent the furious and unnecessary running, galloping, riding or driving of any horse or mule within said town, or such part thereof as they may think proper; to establish night watches and patrols; to prevent and suppress bawdy houses and other disorderly houses within the limits of said town or the commons thereunto attached; to open, establish, widen, extend and repair streets, avenues, lanes, alleys, public squares, drains and sewers, and to keep the same clean and in order; to erect and maintain hospitals; to prevent the introduction of contagious diseases, and to secure the general health of the town; to provide for the prevention and extinguishment of fires; to levy and collect taxes upon real and personal property in said town, but shall impose no tax at a higher rate than the one-half of one per cent. on the assessed value of the property; to regulate, graduate, pave and improve the streets of said town; to borrow money, if necessary, for graduating or paving the streets, or making other public improvements in said town; to pass such ordinances for the regulation and police of said town and its commons as said trustees may think necessary, not contrary to the laws of the land;

and said board of trustees shall have power to pass all ordinances to carry into effect the objects of this act and the powers herein granted as the good of the inhabitants may require, and to impose fines and penalties for the breach of their ordinances.

§ 5. An election shall be held in said town on the first Monday in May next, for trustees, and on the same day every year thereafter, and the trustees elected shall hold their office one year, and until their successors be qualified; the first election to be conducted by three judges, to be appointed by the county court, and all subsequent elections to be conducted by the like judges, to be appointed by the board of trustees, and shall in all respects be conducted, and the qualifications of electors and persons to be elected, be determined by the general law respecting towns, so far as applicable; and should any regular elections fail, any justice of the peace may appoint judges, and issue an order for holding an election for trustees at some specified time and place, to be conducted as above provided. All vacancies in said board shall be filled by a special election, ordered by the chairman, as directed in the general law respecting towns.

§ 6. Said board may appoint an assessor, collector, treasurer, clerk, constable, inspectors and such other officers and agents as may be necessary, and shall by ordinance prescribe their duties, compensation and tenure of office, and may require of any such officer sufficient bond and security, and require them to take an oath for the faithful performance of their duties.

§ 7. Said trustees shall have power to have the footways and sidewalks of the streets paved at the expense of the owners or occupiers of the adjacent lots, and if any such owner or occupier fail to pave the same and recover the full expense thereof from such owner or occupier by action of debt before any court of competent jurisdiction; and if any tenant be required to pave in front of the property occupied by him, the expense [thereof] shall be a good offset against so much of the rent due to the owner, but no tenant shall be required to expend more than the rent for the term which he occupied the property. If any person who is a non-resident fail to pave in front of his property, in the manner and time required by ordinance, or if any person who is a resident fail to pave as aforesaid, and the expense of paving cannot be otherwise recovered from him, the said trustees may have such lot or any part thereof sold to defray the expense of such improvement in such manner as said board may by ordinance provide.

§ 8. If any person fail to pay any tax levied on his real or personal property, the town collector may recover the same by action of debt, before any justice of the peace, in the name of the inhabitants of said town, and may in like manner collect the amount of taxes due from any non-resident from the tenant of the property of such non-resident, but no tenant shall be compelled to pay more than the rent of said property, and the amount thus paid by him shall be a good offset against the owner

of the property, and if such non-resident taxes be not otherwise paid, the property may be sold to pay the same at public sale, in such manner as the board of trustees shall by ordinance provide.

§ 9. All fines, forfeitures, rents and debts accruing to the inhabitants of said town, may be recovered by action of debt before any justice of the peace as other debts, subject to appeal, and persons living in said town shall be competent witnesses and jurors in the trial of such suits; but any defendant, on request, may have a jury summoned, consisting of persons not living in said town, and attachment may issue against the property of any individual by a justice of the peace, if it shall appear to the satisfaction of such justice that there will be danger of losing such claim, debt or fine, if such attachment were not issued. It shall be the duty of the chairman to cause all ordinances passed by them to be published in such manner as shall by ordinance be directed.

§. 10. The chairman of said board shall, on the first Monday in May in each year, make a full and true statement of all money received and expended on account of said town during the preceding year, and shall, within ten days, publish said statement in a newspaper, if there be any in the town, if not, then in six public places therein, and if he fail to do so, he shall forfeit fifty dollars for the benefit of said town.

§ 11. If any case shall arise, not provided for in this act, the same shall be determined by the general law regulating town corporations, and the legislature may, at any time, alter amend or repeal this act.

This act to take effect from the first day of May next.

APPROVED, March 13, 1845.

INCORPORATIONS.

AN ACT to incorporate an Academy in the town of St. Ferdinand, in St. Louis county.

SECTION.		SECTION.	
The St. Ferdinand Academy established, Trustees appointed—they and their successors to be a body corporate, &c., Time of electing trustees, to be divided into classes, tenure of the classes, vacancies, how filled, Powers of said trustees, Trustees to appoint certain officers, and to make by-laws, &c., Oath to be made by trustees and treasurer, Duties of treasurer, treasurer to give bond condition of said bond, &c., Appropriation to pay teachers, and for other purposes, Trustees of the town of St. Ferdinand to pay certain moneys to said trustees, when	1	No discrimination to be made in favor of any religious sect, &c., in the choice of officers,	10
	2	Certain children taught free of charge, no others admitted,	11
	3	Certain languages to be taught,	12
	4	Trustees to contract for a suitable building to contain separate apartments for males and females,	13
	5	Said house shall not be used as a church,	14
	6	Trustees to make semi-annual reports of certain matters, and call an annual meeting of the inhabitants. There must be at least one annual public examination,	15
	7	No compensation allowed to trustees,	16
	8		
	9		

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. An academy for males and females is hereby established in the town of St. Ferdinand, in the county of Saint Louis, which shall be known by the name of the "St. Ferdinand Academy."

§ 2. James Castello, Gregoire Au Bushon, George McCullough, James L. Holliday, Edward Harrington, Thomas J. Minor, William Nutt, Paul G. Lindsey, and John B. James are hereby appointed trustees of said academy, and they, and their successors in office are hereby created and constituted a body politic and corporate, to be known by the name and style of "The Board of Trustees of the St. Ferdinand Academy," and by that name shall have perpetual succession in office, shall have a common seal, may change, break or alter the same at pleasure, may sue and be sued; plead and be impleaded, answer and be answered unto, in all the courts of this state or of the United States.

§ 3. On the first Monday of October next, there shall be held an election in the town of St. Ferdinand for the election of nine trustees to manage said academy; at the first meeting of the board, which shall be held on the second Monday in October, of the same year, the members shall elect a chairman, and then shall proceed to divide themselves by lot, into three classes; the first class shall go out at the end of the first year, the second class at the end of the second year, and the third class at the end of the third year, so that one third shall go out every year, to fill which vacancies an election shall be held on the first Monday in October, each succeeding year. The board of trustees or any six of them shall have power to order an election for any vacancy which may occur.

§ 4. The trustees shall have power to receive by gift or otherwise, and hold to them and their successors forever, any lands, tenements, rents, moneys, goods and chattels of what kind soever, which may be purchased, devised, demised, or given to them for said academy, and to lease, rent, put out on interest, or otherwise dispose of the same in such manner as shall seem most conducive to the advantage of the academy, but shall never have power to sell real estate.

§ 5. The said trustees or their successors, or any six of them, shall constitute a board, with power to appoint tutors, librarian, treasurer and such other officers or servants as may be necessary, and shall have power, from time to time, to make such by-laws, rules and regulations, not contrary to the laws of this State, as they shall judge necessary for the management of said academy.

6. The trustees and treasurer shall, before entering on their respective duties, take an oath or affirmation before some judge or justice of the peace, well and truly to discharge the duties assigned them as trustee or treasurer.

§ 7. The treasurer shall receive all moneys, &c., accruing to said academy and property delivered to his care, and pay or deliver the same to the order of the board of trustees; before he shall enter upon the discharge of his duties he shall enter into bond and security in such sum as the board of trustees shall direct, payable to them and their successors, conditioned for the faithful performance of his duties, under such rules

and regulations as the board may adopt, and it shall be lawful for said board to obtain judgment for the amount thereof, or for any special delinquencies incurred by him under the same; on motion, in any court of record in this State, against the treasurer and his securities, his or their executors or administrators, upon giving ten days notice of such motion.

§ 8. Two-thirds of the yearly revenue arising from the leases of the commons of St. Ferdinand, is hereby set apart and appropriated to the use of said academy, for the purpose of paying teachers or other persons, the purchase of books, maps, charts, &c., &c., which shall be deemed necessary by the board of trustees, for the good, prosperity and proper management of the same.

§ 9. The trustees of the town of St. Ferdinand, are hereby directed to pay to the board of trustees of the academy hereby created, two-thirds of all moneys, rents and profits, coming into their hands from the leases of the common of St. Ferdinand, which payment shall be made at such times as payment is made to them by the lessees of the said common.

§ 10. In the choice of trustees, professors, teachers and students, no preference, distinction or discrimination shall be made, on account of religious opinions or professions of faith, nor shall the trustees, at any time, make any by-laws, ordinances or regulations, that may in any wise control or interfere with the rights of conscience or the exercise of religious worship.

§ 11. No children shall be admitted and taught in said academy, except those of the inhabitants of the town and common of St. Ferdinand, who shall be educated free of all charges whatever.

§ 12. The English, French and German languages shall be taught in said academy, unless otherwise ordered by a majority of the inhabitants.

§ 13. The board of trustees are hereby empowered and directed to contract, as soon as may be, for the erection of a suitable house for said academy, to be built on such ground as the trustees of the town have or may select for that purpose. There shall be a separate apartment in it for males and females.

§ 14. Said house never shall be used as a meeting or prayer house, by any religious sect or denomination whatever.

§ 15. The board of trustees shall on the first Monday in January and July in each and every year, publish in one or more newspapers and by hand bills, an exhibit of the affairs and condition of said academy, stating the number of teachers employed, number of scholars male and female, the amount received from the trustees of the town, the amount expended for the six months preceding, stating the items of expenditures, what branches of education have been taught, what languages, &c. They shall also call at least one meeting a year of all the inhabitants of the town and common, and lay before them the situation of the academy. There shall be at least one public examination every year.

§ 16. The trustees shall receive no pay for any services performed by them.

This act shall take effect from and after its passage.

APPROVED, March 15, 1845.

INCORPORATIONS.

AN ACT to incorporate the Union Literary Society of the Missouri University.

	SECTION.		SECTION.
The Union Literary Society of the Missouri University, incorporated.	1	Trustees appointed, their powers and tenure of office.	3
Powers of said corporation.	2	This act may be altered and repealed &c.	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Thomas J. Hardin, Wesley Wyard, Oden Guitar, Alexander Terrell, and their associates, together with such as may hereafter be associated with them, be and they are hereby created a body politic and corporate, by the name and style of the "The Union Literary Society of the Missouri University," with succession for thirty years, and by their corporate name may sue and be sued, plead and be impleaded, in all courts of law and equity in this State, or elsewhere; may make and have a common seal, and alter the same at pleasure; shall be capable of holding books, libraries, and other property, by gift, grant, purchase, or demise, and may sell, dispose of and convey the same; *provided*, that the annual income of all such property, shall not exceed the sum of three hundred dollars.

§ 2. The society hereby incorporated shall have power to form and ratify a constitution for itself, to adopt by-laws for the government of the same, the management and regulation of its fiscal concerns, the admission of its members and government of the same, as also the appointment of its officers, together with all powers necessary for the corporate existence, and the proper and efficient management of its concerns.

§ 3. That William A. Robards, Francis T. Russell, and William F. Switzer, be and they are hereby appointed trustees, with full power and authority to conduct all and singular the concerns of said association, until others shall be chosen, under the provisions of this act.

§ 4. That any future legislature may alter, amend, or repeal this act, *provided* such alteration, amendment or repeal, shall not affect the title to any property acquired or conveyed under its provisions.

This act to take effect from its passage.

APPROVED, March 15, 1845.

INCORPORATIONS.

AN ACT to incorporate the Liberty Institute, in Gasconade county.

	SECTION.		SECTION.
A seminary established in Gasconade county	1	Duties and powers of said trustees	5
Trustees appointed	2	Quorum. Trustees ineligible to certain offices.	6
And incorporated, certain of their powers.	3	Time of meeting prescribed	6
Tenure of office. Time of electing them.		Religious toleration prescribed, and innocent amusements allowed	7
They shall provide the manner of conducting elections and filling vacancies	4	A female branch to be established	8

Be it enacted by the General Assembly of the State of Missouri, as follows,

§ 1. A seminary of learning shall be established in the county of Gasconade, at or near the centre of said county, the place to be chosen by the trustees hereafter to be appointed.

§ 2. Martin Duglass, William S. Walton, James Greenstreet, Edward Luster, James Brown, Benjamin Leech, James O. Sitton, Francis Mattocks, Thomas Smith, Henry Groff, Thomas Hibler, Isaac Smith and Gideon P. Wyatt shall constitute the first board of trustees for said institute.

§ 3. Said board of trustees are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Liberty Institute, and by that name may sue and be sued, implead and be impleaded in any court of law or equity in this State, and may purchase, receive and hold any lands, tenements, hereditaments, goods or chattels, which may be given, devised to, or purchased by them, for the use of said institute, and shall sell and dispose of the same in such manner as they may deem most conducive to the interest of said institute.

§ 4. The first board of trustees shall continue in office until the first Monday in August, eighteen hundred and forty-seven, and until their successors are duly elected and qualified. Every subsequent board shall be chosen on the first Monday of August, and shall continue in office two years, and until their successors are duly elected and qualified. The board of trustees shall prescribe the manner of conducting elections for trustees, and shall fill all vacancies, or provide the manner of filling them. The board of trustees may change the time of holding elections for trustees.

§ 5. Said board of trustees shall have power to contract for the erecting or repairing of any building or buildings, or for making any other improvements for the use of said institute; to pass all by-laws necessary for the government of said institute; to elect instructors, managers, stewards, agents, president, secretary, auditor, treasurer and other officers necessary in said institute; to prescribe the duty and fix the compensation of the several officers; to appoint committees to carry into effect any law or resolution of the board of trustees; to determine what shall be taught in said institute; to expel any officer or student for the disobedience of the by-laws; to prescribe the terms on which students shall be admitted; to prescribe the manner of punishing students for disobedience of the by-laws, and to transact all other business and concerns of said institute.

§ 6. The president and seven trustees shall constitute a quorum, a majority of whom shall govern in exercise of the powers granted by this act. No trustee shall be elected president, auditor or treasurer. The board shall meet, annually, on the first Monday in May, in each year, unless the time be changed by the board of trustees, and at any other time, when necessary, after giving notice in such manner as may be prescribed by said board of trustees. The first meeting of said board shall be held in the town of Hermann, and afterwards, at such places as the board may direct.

§ 7. No preference shall be given, or any discrimination in the choice of trustees, or other officers or students, on account of religious sentiments or the want of them; nor shall the trustees make any by-laws, or other regu-

lations that may interfere with the rights of conscience, the free exercise of religious worship or the enjoyment of innocent amusements.

§ 8. Said board of trustees shall, as soon as practicable, establish a branch of said institute for the education of females, over which they have all the powers granted in the above charter.

This act shall take effect and be in force from and after its passage.

APPROVED, March 15, 1845.

INCORPORATIONS.

AN ACT to incorporate the inhabitants of Georgetown.

	SECTION.		SECTION
Georgetown incorporated. Privileges, &c.	1	town	7
Corporate powers vested in seven trustees; time and manner of their election; qualifications of a voter thereat	2-3	Alderman, how chosen; his duties, jurisdiction, &c. Citizens of said town competent witnesses, &c.	8
Oath to be taken by trustees; their time of meeting; quorum; by-laws; journal to be kept	4	Concerning taxes. Publication of receipts and expenditures	9
Powers of said trustees, and style, &c. of ordinances	5-6	Trustees to elect certain officers, &c.	10.
Corporation may hold property out of the		Duties of town clerk	11
		Duties of constable	12
		First board of trustees appointed, &c.	13

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All that district of country in the county of Pettis, contained within the following limits, to wit: Beginning at the south-east corner of the south-west quarter of section number sixteen, in township number forty-six, of range number twenty-one, thence south to the intersection with the south line of the lot of the Georgetown Female Academy, continued east; thence west to the line between sections number twenty and twenty-one; thence north along the line between sections number twenty and twenty-one, and sixteen and seventeen, to the north-west corner of the south-west quarter of section number sixteen; thence east to the north-east corner of said quarter section; thence south to the beginning, shall be, and is hereby created into a town by the name of "Georgetown;" and the inhabitants thereof shall be and they are hereby constituted a body politic and corporate, with perpetual succession, by the name and style of "The trustees and inhabitants of Georgetown," and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, with full power and authority to acquire, hold, use, possess, occupy and enjoy any real and personal estate within the limits of said corporation, and the same to improve, protect, lease, sell, convey and dispose of, and to do all other things in relation thereto as natural persons, and may have and use a common seal, and the same may alter, change or break at pleasure.

§ 2. The corporate powers shall be and are hereby vested in a board of

trustees, to consist of seven members, who shall be chosen annually by the qualified electors of said town, on the first Monday in January, and shall hold their offices for one year and until their successors shall be duly elected and qualified. No person shall be a trustee unless he shall have attained the age of twenty-one years, be a citizen of the United States, and have resided within the limits of said town at least six months preceding the election. If any trustee shall remove without the town limits his office shall be thereby vacated. Should a vacancy occur in the board, it shall be filled by an election to be held at such time as the board of trustees, shall order and appoint. All elections shall be held in such manner and at such places as the board of trustees shall by ordinance prescribe.

§ 3. All persons who are qualified under the constitution of the State of Missouri to vote for State and County officers, and who shall have resided within the town limits three months preceding an election for trustees shall be qualified to vote at such election.

§ 4. Before entering upon the duties of his office, each trustee shall take an oath before some judge or justice of the peace to support the constitution of the United States and of this State, and to demean himself faithfully in office. The trustees shall meet at such time as may be appointed by ordinance, and shall judge of the qualifications, elections and return of their own members. A majority of the whole number of trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe. The board shall have power to make its own by-laws, and shall keep a journal of its proceedings, and at the request of any member present, the yeas and nays on any question shall be entered on the journal.

§ 5. The board of trustees shall have power within the town by ordinance, *First*, to make regulations to prevent the introduction of contagious diseases, and for securing and preserving the general health of the inhabitants. *Second*, to prevent and remove nuisances. *Third*, to license, tax and regulate theatrical and other shows, exhibitions and amusements. *Fourth*, to tax, license, restrain, prohibit or suppress tippling houses and dram shops. *Fifth*, to prohibit and suppress gaming, bawdy, and other disorderly houses. *Sixth*, to establish and regulate markets. *Seventh*, to provide for the prevention and extinguishment of fires. *Eighth*, to regulate the storage of gunpowder and other combustible materials. *Ninth*, to prevent the obstruction of the streets and alleys, and to keep the same in repair. *Tenth*, to prevent or restrain the meeting of slaves. *Eleventh*, to establish and regulate watches and patrols. *Twelfth*, to prevent the running or galloping any horse or mule. *Thirteenth*, to prohibit the firing of fire-arms. *Fourteenth*, to provide for the appointment of all officers or agents not herein provided for, and to fix the compensation of all town officers, and to regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance. *Fifteenth*, to regulate the police of the town, and to impose fines, forfeitures and penalties

for the breach of any ordinance, and to provide for the recovery of such fines and forfeitures, and the enforcement of such penalties.

§ 6. The board of trustees shall have full power to make all ordinances, which shall be necessary and proper for carrying into execution the powers mentioned in the preceding section, and all other powers vested by this act in said corporation, or the board of trustees, or any officer of the corporation, provided that such ordinance be not repugnant to, nor inconsistent with the constitution or laws of the United States or of this State, or any provision in this act contained. The style of all ordinances shall be, "Be it ordained by the trustees and inhabitants of Georgetown." All ordinances shall be signed by the aldermen, and attested by the clerk, and a copy thereof shall be posted at the court house door in the said town, within ten days after the passage of such ordinance.

§ 7. The said corporation shall have power to purchase, receive and hold real property beyond the limits of said town for burial grounds, for the use of the inhabitants of said town.

§ 8. The board of trustees shall elect their presiding officer from among their own number, who shall be styled the Alderman of the town; he shall be a conservator of the peace within the town limits, and shall take care that the laws of the State and the ordinances of the corporation are duly enforced, respected and observed within the said limits, and shall have therein all the powers and jurisdiction that may be vested in justices of the peace in matters of a criminal nature; he shall have jurisdiction of all cases arising under the town ordinances, to try and determine the same, subject, however, in all cases, to an appeal to the circuit court of Pettis county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace, to the circuit court, under the general law of the land. All trials before the alderman, under the town ordinances, shall be by jury, and any person living in said town shall be competent as a witness or juror on such trial, but at the request of the defendant the alderman shall issue a *venire* for a jury, to be summoned from beyond the town limits, and the town constable shall have authority to execute said writ beyond the town limits; he may, with the advice and consent of the board of trustees, remit any fine, forfeiture or penalty imposed for a violation of a town ordinance.

§ 9. All taxes levied, and fines, forfeitures and penalties imposed under and by virtue of this act, or any ordinance of the said town, shall be collected for the use and benefit of said corporation, and no money shall be expended but under an appropriation by the board of trustees. On the first Monday in each and every year, the town clerk shall set up at the court house door in said town, a list of the receipts and expenditures by the board during the year preceding.

§ 10. There shall be a town clerk and a town constable, who shall be elected by the trustees of said town; they shall hold their offices for one year, and until their successors are duly elected and qualified; before entering upon the duties of their offices, they shall take the oath hereinbefore prescribed to be taken by the trustees.

§ 11. The town clerk shall be the clerk of the board of trustees, and shall keep the journal of their proceedings; he shall keep a register of all the official acts of the alderman and trustees, and when necessary shall attest the same; he shall keep and preserve all records, public papers, and documents belonging to the town, and shall perform such other duties as shall be prescribed by ordinance.

§ 12. The constable shall enter into bond to the corporation, with sufficient security to be approved by the board of trustees, conditioned for the faithful discharge of the duties of his office. It shall be the duty of the constable, and he is hereby empowered, to execute and return all process which may be issued by the board of trustees or the alderman, and to perform such other duties as may be prescribed by ordinance.

§ 13. James L. English, Rice Hughes, Watson Wood, Albion Roberson, Ambrose K. Boggs, James R. Tanner, and Oswald Kidd, shall constitute the first board of trustees of said town, and shall hold their office until the first election to be held under this act, and until their successors shall be duly elected and qualified; the person first named be and he is hereby authorized to appoint the time and place for the first meeting of said board, and shall give written notice thereof to each of the trustees herein named, at least five days previous to the time appointed.

This act shall take effect and be in force from and after its passage.

APPROVED, March 15, 1845.

INCORPORATIONS.

AN ACT to amend an act to establish a corporation in the city of St. Louis, for the purpose of education, approved February 13, 1833.

	SECTION.		SECTION.
Certain officers ineligible to the board of school directors in St. Louis,	1	provisions of a certain act;	4
Certain persons ineligible to said board,	2	Penalty attached to failure of said duties by said directors, &c.,	5
No director to borrow from the corporation,	3	Directors not to receive any compensation	6
President and directors to enforce certain		Certain acts repealed,	7

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. No member of the board of aldermen, or of the board of delegates, or any person holding office under the city of St. Louis, whether elected or appointed, shall be a member of the board of school directors of the city of St. Louis.

§ 2. No person shall be eligible as a director in said board, who has not been a resident of the ward in which he is elected, at least twelve months prior to his election; and if any person, who shall have been elected from one ward, shall remove from said ward, he shall vacate his seat in said board, and an election shall be ordered and held as soon as may be to fill said vacancy, and said director shall moreover possess all the qualifica-

tions required in the act to which this is amendatory and supplementary, approved February 13th, 1833.

§ 3. No director shall directly or indirectly borrow any money belonging to said corporation, either as principal or endorser.

§ 4. It shall be the duty of the President and directors of this corporation to carry out and enforce all the provisions and requirements of the 8th section of the act referred to, in the 2nd section of this act.

§ 5. If any director or officer of this corporation shall violate any of the provisions of this act, and of the act to which this is amendatory and supplementary, approved February 13, 1833, he shall be guilty of a misdemeanor in office, and shall be punished for such misdemeanor, as is provided for by law, and shall, moreover be disqualified from ever holding a seat in said board, or act as one of its officers.

§ 6. No director shall receive any compensation for any services as director.

§ 7. All acts, or parts of acts, conflicting or in anywise interfering with this act, are hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED, March 17, 1845.

INCORPORATIONS.

AN ACT amendatory of "an act to incorporate the Independence Fire Company," approved February 6th, 1843.

The number of members of the Independence Fire Company may be increased; but if increased beyond a certain number, they shall forfeit certain privileges, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That [to] the number of members incorporated by the name and style of the "Independence Fire Company," in the act to which this is amendatory, may be added twenty members, or a smaller number, at the discretion of the company, making in all not exceeding sixty members, instead of forty, as is provided in said act; *Provided*, that if the number of members of said company shall be increased so as to exceed forty, [sixty] none of the members of said company shall be exempt from serving on juries on account of a provision to that effect, in the third section of the act to which this is amendatory.

This act to be in force from and after its passage.

APPROVED, March 17, 1845.

INCORPORATIONS.

AN ACT to incorporate the Hannibal Library Institute.

	SECTION.		SECTION.
The Hannibal Library Institute incorporated—their privileges,	1	Officers to be appointed. Time and manner of so doing,	3
Their powers,	2	This act may be altered or repealed,	4

Whereas, it is represented to this General Assembly that an association called the "Hannibal Library Institute," has been formed in the city of Hannibal, the object of which is to improve the members and other citizens in literature, science and morals, by the diffusion of knowledge through the means of reading, lectures, debates, &c.; Now, to encourage objects so laudable, and to give dignity, permanency and usefulness to such an institution,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Humphrey Peake, Samuel Cross, Zechariah G. Draper, Hugh Meredith, Joshua T. Tucker, Columbus A. Leaman, Edward C. McDonald, and others, their associates and successors, appointed under the constitution, regulations and by-laws of the association, be and are hereby created, constituted and declared a body corporate and politic, by the name and style of the "Hannibal Library Institute," and by that name may have continual succession, and shall be capable of suing and being sued, pleading and being impleaded with, answering and defending in all courts of law and chancery; and that they and their successors may act without a seal, or may have a common seal, and break and alter the same at pleasure; they may contract or be contracted with, and shall be capable in law of holding property, real, personal or mixed, by gift, grant or purchase, and may convey or sell the same, for the use of said corporation; *Provided*, that said corporation shall not hold any real estate, at any one time, exceeding the sum of ten thousand dollars in value.

§ 2. The corporation hereby established shall have power to make a constitution, rules, regulations and by-laws, for the government of its members, and fixing the condition and manner in which members shall be admitted, for the general regulation of the association, and carrying out the objects for which it has been established; *Provided*, that such constitution, rules and by-laws shall be consistent with the laws of the land.

§ 3. This corporation shall have a president, secretary and treasurer, and such other officers as may be prescribed from time to time by the constitution; and all officers shall be chosen at the time, and in the manner prescribed by the constitution and by-laws.

§ 4. Said corporation may at any time be altered or amended by law.

This act to take effect from and after its passage.

APPROVED, March 19, 1845.

INCORPORATIONS.

AN ACT to amend the charter of the city of Warsaw.

The 37th section of an act to incorporate the city of Warsaw repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The thirty-seventh section of an act entitled an act to incorporate the city of Warsaw, approved February 23d, 1843, is hereby repealed.

This act shall take effect and be in force from and after its passage.

APPROVED, March 20, 1845.

INCORPORATIONS.

AN ACT to incorporate the Palmyra Manufacturing Company.

SECTION.	SECTION.
The Palmyra Manufacturing Company incorporated,	tain offices, how filled, 9
Corporation may have a seal and may hold certain estate,	1 Board of directors to make by-laws, &c., 10
Capital stock, amount of shares, capital may be enlarged,	2 Stock to be transferrable, if registered by the president, 11
Commissioners appointed to open subscription books, minimum instalment to be paid in before election of directors,	3 Books of accounts to be kept, 12
When \$3,000 is subscribed, stockholders to meet for certain purposes, notice of said meeting to be given,	3 Privilege of banking, &c., denied said corporation, 13
Directors to be annually chosen, their duties and tenure of office, quorum,	4 Said corporation may construct canals, dams, roads, &c., 14
Election by ballot, each share entitled to one vote, proxies,	4 Subscriptions, how collected, penalty for failure to pay them, 15
Elections, how held,	5 Construction of this charter respecting the number of mills, &c., to be erected, 16
President to be elected, vacancies in cer-	6 Dividends to be declared, and the books to be laid before the stockholders annually, 17
	7 Transaction of business to be commenced within three years under a certain forfeiture, 18
	8

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That for the purpose of managing a paper factory, and cotton, wool, hemp, iron and steel factories or factories, or mills of any one of these articles, and also of engaging in such other branches of trade and manufacture as may be necessarily and conveniently connected therewith, and for the purpose of erecting a manufacturing establishment at the town of Palmyra, or the city of Marion, in this State, and for transacting all business incident thereto, Theodore Jones and Thomas Milan and their associates be, and they are constituted a body politic and corporate by the name and style of the "Palmyra Manufacturing Company," and by and in such corporate name and capacity, may sue and be

sued, plead and be impleaded, in any of the courts of law and equity in this State.

§ 2. The said corporation may have a common seal, and may change and alter the same at pleasure, and shall be capable of holding, using and conveying any estate, real and personal, necessary for the use of said corporation.

§ 3. The capital stock of said corporation shall be thirty thousand dollars, and it shall be divided into shares of twenty-five dollars each; but it shall be lawful for said corporation to commence their operations when, and so soon as three thousand dollars shall be subscribed for, and with that capital to commence, conduct, operate and carry on the same until they shall find it expedient to enlarge their stock, which they are authorized to do from time to time, to the amount herein before mentioned.

§ 4. Books, for the purpose of procuring subscriptions to said stock, shall be opened in the town of Palmyra, under the direction of the aforesaid Theodore Jones and Thomas Millan, and such other places as they shall deem proper, and they are hereby appointed commissioners to receive subscriptions to said stock on such days and times as they shall appoint after the passage of this act, and the sum of two dollars at least shall be paid on each, previous to the election of directors.

§ 5. So soon as the sum of three thousand dollars shall be subscribed, the commissioners named in the fourth section of this act to receive the same, having fixed the amount of the first instalment, shall appoint a day and place at which the stockholders shall meet and pay the said instalment on their respective shares; and elect directors, giving at least ten days notice by advertisement in some newspaper printed in the proper county, or affixed to the court house door of the county of Marion.

§ 6. The stock, property, estate and concerns of said corporation shall be managed by five directors, to be annually chosen by the stockholders on the first Monday in July in each year, said directors being residents of Marion county aforesaid, and shall hold their offices for the term of one year, and until their successors are appointed, of which three shall be a quorum for transacting business, provided, however, that no failure to elect officers shall dissolve the corporation, but the acting directors shall continue in office until the next annual election.

§ 7. All elections shall be by ballot, each share shall be entitled to one vote and may be given by proxy.

§ 8. The first election herein contemplated shall be held under the direction of the commissioners, and all subsequent ones under the direction of the directors.

§ 9. The directors chosen under this act shall immediately proceed to elect one of their body president and if any vacancy shall occur, either of president or any of the directors, the remaining directors shall appoint from among the stockholders suitable persons to fill such vacancy for the remainder of the term for which such directors were elected.

§ 10. The board of directors or a quorum thereof, shall have [power] to form such by-laws and ordinances as shall, from time to time, seem to them to be needful and proper for the management and conduct of said

corporation in disposing of the stock, property, estate and effects of said corporation, and to do all other things necessary to the promotion of the objects of said corporation as shall be consistent with the laws of the United States and of the State of Missouri.

§ 11. The stock of said corporation shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish and shall be considered personal property, provided that no transfer of stock shall be valid or effectual until registered in a book to be kept for that purpose by the president.

§ 12. The directors shall at all times keep or cause to be kept at some proper place, books of accounts, in which shall be entered all the transactions of the company.

§ 13. The corporation hereby created shall not engage in the business of banking, or issue any kind of paper to pass as a circulating medium.

§ 14. For the purpose of carrying on their operations the said corporation may make, cut and dig canals, erect mill dams, and such roads as may be necessary for their works and machinery.

§ 15. The commissioners herein appointed may collect, before a justice of the peace of the county in which any delinquent subscriber resides, the first instalment due him on all shares subscribed, and the directors shall have the same remedy for the collection of all subscriptions of stock that shall not be paid previous to their election, and in case any subscriber fails to pay said instalments when called for, either by the commissioners or directors, he shall be liable to pay said commissioners or directors twenty-five per cent. penalty on the amount due for the use of said corporation.

§ 16. This charter shall not be construed so as to bind said corporation to build all the mills and factories or other manufacturing establishments set forth in the first section hereof, but they shall be left at liberty to build, erect, and establish one or the other or all, as they shall deem fit, and they may select any site for the same at any place at or near the said town of Palmyra, or city of Marion, or in both.

§ 17. The directors of said corporation shall annually declare a dividend to all stockholders in said corporation and at such other times as they may deem advisable, and at each annual election they shall lay before the stockholders their books, showing a full and fair exposition of all the transactions of the previous year.

§ 18. The powers granted by this act shall cease unless said company shall organize and commence the transaction of its business within three years from the date of its passage.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

INCORPORATIONS.

AN ACT to amend the charter of the Little Osage Literary Association.

Board of trustees to be elected by the stockholders. When. Vacancies how filled.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the board of trustees of the Little Osage Literary Association shall hereafter be elected by the stockholders of said company, at least once in every five years, and as much oftener as said stockholders may think proper and right; and whenever any vacancy may occur in said board by death, resignation or otherwise, said board shall have full power to fill such vacancy, any law to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

INCORPORATIONS.

AN ACT supplementary to an act, passed at the present session of the Legislature, incorporating the city of Lexington.

The act incorporating the city of Lexington, shall take effect from its passage.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the act passed at the present session of the General Assembly, incorporating the city of Lexington, shall take effect and be in force from and after its passage.

This act shall take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

INCORPORATIONS.

AN ACT supplementary to "an act amendatory of an act to incorporate the Independence Fire Company," approved Feb. 6, 1843.

Those persons who were members of said fire company at the passage of said act, shall in no case be liable to serve on juries.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That nothing in the act to which this is supplementary, shall be so construed as to apply to any of the members of the "Independence fire company," who were members of said company at the time of the pas-

sage of said act, or previous thereto, so as to render them liable to serve on juries.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

INCORPORATIONS.

AN ACT to incorporate the town of Lagrange, in Lewis county.

SECTION. 1

SECTION. 2

The town of Lagrange incorporated; their powers and privileges,

Certain powers conferred upon said corporation,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That district of country known by the name of the town of Lagrange, lying within the following limits, to wit: Beginning at a point in the middle of the main channel of the Mississippi river, due east of the south side of the street called Street; thence running up the said river, with the main channel thereof, to a point due east of the northeast corner of lot numbered one; thence running west in a straight line with the north side of said lot numbered one, to the northwest corner of lot numbered six, in block numbered forty-nine; thence south in a straight line with the west side of block forty-nine, to the southwest corner of lot numbered ten, in block numbered forty-three, and continuing in the same course sixty-six feet, to the south side of south street; thence east along the south side of south street, to the place of beginning; and the inhabitants of said town within the limits aforesaid shall be and continue a body politic and corporate, by the name and style of the inhabitants of the town of Lagrange, and by that name the inhabitants of said town and their successors, shall be known in law, have continual succession, may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all matters, may purchase, receive and hold property, real and personal, within the limits of said town, and may lease, sell, and dispose of the same for the benefit of said town, may have a common seal and alter the same.

§ 2. All the powers, conditions, and provisions of an act entitled "an act to incorporate the town of Cape Girardeau," approved February 12, 1839, which are conferred by law upon the said corporation of Cape Girardeau, by the aforesaid act, are by this act extended to, and conferred upon the corporation and citizens of the town of Lagrange, except the provisions of the first section of said act.

This act to take effect and be in force from and after the passage thereof.

APPROVED, March 24, 1845.

INCORPORATIONS.

AN ACT to amend an act to incorporate the Boonville Academy, approved January fourteenth day, eighteen hundred and twenty-five.

The trustees of the Boonville Academy may purchase and sell real estate for the use of said Academy.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. A majority of the board of trustees of the Boonville Academy, and their successors in office, are hereby authorized and empowered to purchase real estate, and to sell and convey any real estate, which they may now own, or which they may hereafter acquire; *Provided, however,* that all such purchases and sales shall be for the use and benefit of the Boonville Academy.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

INCORPORATIONS.

AN ACT to incorporate the Palmyra and Marion City turnpike company.

SECTION.		SECTION.	
The Palmyra and Marion City turnpike company incorporated and their capital prescribed	1	payment	9
Subscription books to be opened at Palmyra, &c. When	2	Road to be surveyed. Field notes to be filed in the recorder's office	10
On the subscription of a certain amount, notice of a meeting of the stockholders to be given	3	Width and grade of road prescribed. Road to be McAdamized	11
Officers of said company enumerated. How elected; and their tenure of office	4	Said company may hold real estate by gift, &c., or by condemnation, damages being duly assessed and paid thereon	12
First officers to be elected When	5	Toll-gates to be erected, and toll-rates to be fixed by the county court	13
Each share entitled to one vote; but proxies are not admitted	6	Oath to be taken by all the officers. Treasurer to give bond, &c.	14
Certain powers conferred on president and directors	7	Said company may purchase land for certain purposes	15
They may appoint, &c., certain officers	8	Tolls not allowed when the road is out of repair; term of charter	16
Stock to be paid, when. Penalty for non-			

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The stockholders of a company to be raised and organized as hereinafter prescribed, are hereby incorporated by the name and style of the Palmyra and Marion City turnpike company, with a capital stock of fifty thousand dollars, to make and construct a turnpike road from the town of Palmyra, in the county of Marion, to Marion city, in said county, and, by that name, may have continual succession and a common seal, may hold property, sue and be sued, and exercise the usual rights of bodies politic and corporate for such purposes.

§ 2. Books for the subscription of stock, in shares of ten dollars each,

shall be opened on the first Monday in April next, in the town of Palmyra, under the superintendence of Lewis Bryan, Thomas L. Anderson, Wade H. Haskell, Walker Louthan, Abraham B. Hawkins and William H. Thompson, (any three of whom may act) and continue open for thirty days, until [unless] the amount of stock be sooner taken, and if the full amount be not then subscribed, said superintendents, or the directors of said company, may cause said books to be continued open, or re-opened at such times and places as they may think proper, until the whole be taken.

§ 3. The superintendants aforesaid shall, so soon as two thousand dollars of said stock is taken, give public notice that a meeting of the stockholders will be held at some time and place, to be by them named in such notice, for the purpose of organizing the company and electing its officers.

§ 4. The officers of said company shall be, a president, secretary, treasurer and four directors, who shall be elected by the stockholders at some regular meeting of the company, shall hold their offices for one year, and until their successors be elected and qualified, and all vacancies shall be filled by the directors.

§ 5. When the stockholders first meet, they shall then elect their first officers; if the first meeting fails, another may be appointed at the same or other place, in the same manner.

§ 6. Every share shall entitle the holder to one vote, but no person shall vote by proxy.

§ 7. Said president and directors shall have the necessary powers of transacting the business and carrying into execution the object and design of the company, and to make such rules, by-laws and orders as they may think necessary for the well governing the officers of said corporation, not contravening any general law.

§ 8. Said president and directors may appoint such other officers and agents as they may think proper, and prescribe their duties, compensation and tenures of office.

§ 9. The stock shall be paid at such times as the president and directors shall order, and if any stockholder shall fail to pay any instalment, according to their order, for more than ten days after public notice given in some newspaper, for the payment of the same, he shall forfeit to the company all right to said shares, and all sums previously paid on said shares.

§ 10. Said president and directors shall have said road carefully surveyed and laid out, and file in the recorder's office, of Marion county, a copy of the field notes of the survey of the road, as finally determined upon.

§ 11. Said road shall be kept open at least forty feet wide, at least twenty feet, whereof, shall be a McAdamized road, and shall, in no place, vary more than five degrees from a horizontal line.

§ 12. Said president and directors may receive, by deed or purchase, gift or other conveyance, any quantity of real estate, not more than one hundred feet wide, for carrying into effect the object of the company, but if they cannot obtain such conveyance, then the said company may mark out and construct said road, and the owner of such [land] shall be entitled to a writ of *ad quod damnum* to assess the damages by him sustained, in the same manner as is provided in the case of the establishment of county roads, ex-

cept that the damages and costs shall be paid by the said company instead of the county.

§ 13. Whenever said road shall be completed and kept in good repair, said company may erect two toll-gates on the same, and shall take all necessary steps for collecting toll, and the county court of Marion county shall have power to fix the rates of toll.

§ 14. Every officer of said company shall take an oath for the faithful performance of the duties of his office, and the treasurer shall give such bond and security as the president and directors shall direct.

§ 15. Said company shall have power to purchase and hold any land, for the purpose of supplying materials for the construction and repairs of said road.

§ 16. Said company shall not be at liberty to take toll at any time when said road shall not be kept in proper repair, and unless sooner forfeited, this charter shall continue in force for forty years.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

INCORPORATIONS.

AN ACT to incorporate the trustees of the Lexington Seminary.

	SECTION		SECTION
John L. Yantis, and others, a body corporate, name and style.	1	Trustees shall meet, when, majority may appoint Librarian, Treasurer, and other offices—may make by-laws.	3
General powers of the corporation. Majority of trustees, necessary to authorize sale of property.	2	Legislature may change, modify or repeal this act.	4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That John L. Yantis, W. C. Ligon, Joseph Chinn, John F. Ryland, Thomas Callaway, John V. Webb, junior, Isaac Warren, Legrand G. Buford, William Bowring, George M. Crawford, William Morrow, Thompson M. Ewing, and George B. Steele, be and they are hereby appointed and constituted a body politic and corporate, by the name and style of the "Trustees of the Lexington Seminary," and by that name shall have perpetual succession and a common seal, and may contract and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity.

§ 2. The trustees of said seminary, shall have power to receive or recover any real estate for the use of said seminary, that may be purchased for, or may be subscribed or bequeathed to said seminary, and also to recover any money or property that may be given, donated or subscribed, to the use of said seminary, and to receive by purchase, gift, or donation, any real or personal property, goods or chattels, and the same to hold in perpetuity forever, to them and their successors in office, and the same to use or dispose of, in such manner as will most promote the interest of said seminary, but not less than a majority of said trustees shall be competent to authorize a sale.

or disposition of any of the property that may accrue or belong to said seminary.

§ 3. The said trustees shall meet at any place in the town of Lexington, on the first Monday in May next, a majority of whom shall have power to appoint a president, librarian, treasurer, and such other officers, as may be necessary for the government of said seminary. The aforesaid trustees and their successors, or a majority of them, shall have power from time to time, to make all such by-laws, rules and regulations, for the government of said seminary, as they may deem necessary, not contrary to the constitution or laws of the United States, or of the State of Missouri, *provided*, however, that if the said trustees do not meet on the first Monday in May next, as provided in this section, any three of whom shall have power to call a meeting of said board at any subsequent time, and whenever they may think necessary thereafter.

§ 4. Nothing in this act shall be so construed as to prevent the Legislature of Missouri, from changing, modifying, or repealing the same at pleasure.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

INCORPORATIONS.

AN ACT to revive an act to incorporate the Merimack Canal and Navigation Company, approved 12th Feb. 1839.

The act entitled, "An Act to incorporate the Merimack Canal and Navigation Company," approved Feb. 12, 1839, revived. § 1.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That an act entitled, "An Act to incorporate the Merimack Canal and Navigation Company, approved February 12th, 1839, is hereby revived, and declared to be in full force and effect, with the exception of the 15th section, which is hereby repealed.

This act to be in force from and after its passage.

APPROVED, March 26, 1845.

INCORPORATIONS.

AN ACT to amend "an act to incorporate the Mechanics Institute, of St. Louis, approved February 13th, 1841.

Paintings, fossils, &c. to be included in the provisions of the 4th section of the above cited act. § 1

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the fourth section of the act to which this is amendatory, shall be construed so as to include within its provisions, besides the articles therein specifically enumerated, all paintings and fossils, all specimens of the fine arts, and all and every article of what kind soever, deposited with said institution, or presented to said institution by any person or corporation, for inspection, exhibition, or any other purpose, not inconsistent with the objects of said institution.

This act to take effect from its passage.

APPROVED March 26th, 1845.

INCORPORATIONS.

AN ACT to amend an act entitled "*an act to establish a corporation in the city of St. Louis for the purpose of public education,*" approved February 13th, 1833.

	SECTION.		SECTION.
Certain persons rendered ineligible as directors,	1	poration,	2
Certain officers rendered incompetent to purchase, &c, the property of the cor-		Present titles and contracts not to be affected,	3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That no person shall be eligible as a director in the corporation established by said act, who may be interested in any property held by lease from said corporation, or who is interested directly or indirectly in any title adverse to the title of said corporation, to any property which is claimed by said corporation.

§ 2. No person who is, or hereafter may become a director, or who shall hold any other office, in or under said corporation, shall purchase or lease from said corporation any property claimed by said corporation, nor shall any such person be interested directly or indirectly in any purchase or lease, by any other person, of any such property, and any sale or lease of any such property in which any such director or other [person] shall be so interested, shall be utterly null and void.

[§ 3.] This act shall not affect titles now held under said corporation, but the same, and all contracts of said corporation heretofore made, shall be valid and effectual.

This act to take effect from and after its passage.

APPROVED, March 26, 1845.

INCORPORATIONS.

AN ACT to amend "an act to incorporate the Carondelet and St. Louis rail road," approved February 6th, 1837.

Additional commissioners appointed, who, together with their associates, may open subscription books, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That in addition to the commissioners named in the act to which this is amendatory, Bernard Pratte, Henry G. Soulard, Wilson Primm, Peter A. Walsh, Delphy Carlin, Alfred Sandford, Joseph LeBlond, John Sappington, Thomas West and Asa Wilgus, are hereby appointed commissioners of the said rail road, who, with their associates, may at any time, and as they may deem proper, during the existence of said charter of incorporation, open books of subscription for the stock of said rail road; *Provided*, that the General Assembly shall have power to alter, amend and repeal the act to which this is amendatory.

This act to take effect from its passage.

APPROVED, March 26, 1845.

INCORPORATIONS.

AN ACT to incorporate the Nebraska Lodge number twelve, of the Independent order of Odd Fellows of Platte city.

	SECTION.		SECTION.
Nebraska Lodge No. 12, incorporated--	1	This act may be altered or repealed,	3
their privileges,	1	This act to be void under certain circum-	
A common seal may be kept,	2	stances,	4

Be it enacted by the General Assembly of the State of Missouri, as follows

§ 1. That Solomon L. Leonard, Ira Norris, James Keykondall, Isaac W. Gibson, and Isaac N. Jones; as trustees, and their regular successors of the Nebraska lodge number twelve, of the independent order of Odd Fellows of Platte City, Platte county, Missouri, be and they are hereby created a body politic and corporate, by the name and style of the "Nebraska Lodge number twelve, of the Independent Order of Odd Fellows of Platte city, Platte county, Missouri," and by that name are hereby invested with full power and authority to purchase, acquire, hold, possess, use and occupy, and enjoy real and personal estate to the amount of five thousand dollars, and to sell and convey, or otherwise dispose of the same, in such manner as may be prescribed by the by-laws, rules and regulations of said Lodge; *Provided*, such by-laws, rules and regulations be not contrary to the constitution and laws of this State and of the United States; and the said corporation by its name aforesaid, shall be compe-

tent to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places in this State; *Provided*, that the powers hereby granted, shall not be used for banking purposes, or the insuring of property in any manner direct or indirect whatsoever.

§ 2. That said corporation may at their option have and use a common seal, and may alter the same at the pleasure of the lodge.

§ 3. That the right of any future legislature to alter, amend or repeal this act, is reserved.

§ 4. That this act shall become void if the members of said lodge, or their successors, shall cease or fail to exist as a regular organized body for the space of five years, consecutive, at any one time.

This act to take effect and be in force from and after its passage.

APPROVED, March 26, 1845.

INCORPORATIONS.

AN ACT to incorporate *St. John's Lodge Company* in the city of *Hannibal*.

SECTION.		SECTION.	
St. John's Lodge company, incorporated.	1	Assignable certificates of stock to be issued,	5
Their privileges,			
Number of persons limited. Certain persons named as the first members,	2	Said company may purchase and sell real estate, and are required to build a Masonic Hall, &c..	6
Concerning shares, payments, meetings and officers,	3	Number of meetings prescribed. Reports to be annual. Quorum,	7
Journal to be kept. How signed. Record to be evidence,	4	This act declared a public act,	8

Be it enacted by the General Assembly of the State of Missouri as follows :

§ 1. That there is hereby established and incorporated in Hannibal, a company to be called and known by the name and style of "*The St. John's Lodge Company*;" which said company, when organized as hereinafter prescribed, shall have and enjoy all necessary powers as an incorporated company, to procure by purchase, bequest or otherwise, a town lot, or any quantity of land not to exceed two acres, and to improve the same by buildings thereon; to have, use and hold the same, in a corporate capacity, and again to rent, lease or sell the same, as the said company may deem proper, always saving and protecting private rights.

§. 2. The company shall be composed of not less than ten, nor more than fifty persons, who shall be stockholders therein; *Provided*, that for the organization thereof, the following named persons shall compose the company, to wit: William D. Marmaduke, Francis Davis, Thomas S. Miller, O. G. Strong, N. P. Kunkle, Thomas E. Thompson, and Charles H. Bower.

§ 3. The persons named in the last section, or a majority of them, shall determine the amount of a share, prescribe the terms of payment, and at

such times and places, as they may deem best, may open books of subscription to the capital stock of the company, and when a sufficient amount shall have been taken, shall call a general meeting of the said subscribers, and lay before such meeting a statement and list of such subscriptions. The stockholders when so convened, shall proceed to elect from their number, a president, five directors, a secretary and treasurer, and may prescribe their duties.

§ 4. The company shall cause to be kept a journal, in which shall be recorded all the proceedings of the company, which shall be signed by the president and secretary, and the record or certified copy thereof, shall be evidence in all matters between the said company and any member thereof; and also between any members of the company.

§ 5. Upon payment of the stock, or such security therefor as may be agreed upon, a certificate for each share shall be issued to the subscriber, which certificate shall be transferable by assignment or delivery.

§ 6. The company by the name and style aforesaid may have and hold by purchase, bequest or otherwise, real and personal property, and may again sell, use and dispose of the same, to the use of the company; *Provided*, that the said company shall as soon as practicable, proceed to build in the city of Hannibal, a Masonic Hall or edifice, and such other apartments thereto as may be agreed upon, but except as individual members of the company, the Masonic fraternity, as such, shall have rights of property therein by virtue of this act; *Provided, however*, that the Masonic Fraternity shall enjoy the use of said Lodge Hall in said edifice free of charge, under the control of St. John's Lodge, No. 28.

§ 7. Not less than two general meetings of the stockholders shall be called in each year, and full settlements and statements of the affairs of the company shall be made at least once in each and every year; and all regulations and by-laws adopted by the company shall be good and obligatory on the members of the company and for the transaction of business; a majority of the shares shall always be competent and necessary.

§ 8. This act shall be a public act, and be in force from after its passage.

APPROVED, March 28, 1845.

INCORPORATIONS.

AN ACT to incorporate the Home, Mutual, Fire and Marine Insurance Company, of St. Louis.

SECTION.	SECTION.
Benjamin F. Brown, Martial Brotherton and others, a body corporate for twenty years—name of company—its powers	Annual meetings of company, when.—At first meeting, a board of directors to be chosen—tenure of office—vacancies, how
Persons who shall at any time become interested in said company by insuring therein, members, to what extent	filled—a majority to constitute a quorum—board to class themselves—special meetings how called

	SECTION.		SECTION.
Duties of board of directors	4	one month, nor more than ten years, &c.	13
Whenever the premium notes of said company amount to one hundred thousand dollars, duty of the directors	5	After being notified of loss, directors shall pay within three months, exceptions	14
Directors may extend the insurance of company, where, and to what extent—manner	6	Policies made void by what acts—proceedings in such cases	15
Books of account and certain other things, not objects of insurance, other articles excluded except on conditions	7	If any alteration in a house after insurance, where it is exposed to greater risk, in such case, insurance void, unless upon conditions	16
Any person becoming a member of said company, by effecting insurance thereon, shall deposite promissory note, to what amount—not exceeding ten per cent. to be paid immediately—the remainder, how and when paid	8	Where buildings are insured on leased lands and destroyed by fire, if owners prefer money—proceedings	17
Every member bound to pay his proportion of loss	9	If insurance subsist in company, and in any other office, or from any other person, at the same time—insurance to be void, unless upon conditions	18
In case of loss or damage by fire to any member of said company, upon property insured in and with said company	10	Company not to engage in business other than insurance against loss by fire—banking privileges, not permitted	19
Directors receiving notice of loss or damage by fire, sustained by any member of company, and ascertaining the same, or after the rendition of judgment, duties	11	Directors restrained from making more than one assessment for losses in one year	20
Where whole amount of deposite notes are insufficient to pay loss by fire, proceedings	12	Privileges of members	21
Company may insure for a term not less than		Directors to make annual report to General Assembly	22
		The individuals named in first section of this act—a board of directors—their powers and duties	23
		Legislature may repeal this charter	24

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Benjamin F. Brown, Martial Brotherton, John S. Thompson, James Moffit, James Durna, John Sigerson, Samuel L. Watson, Robert Boal, S. O. Butler, and all other persons who may hereafter become members of said company in the manner herein prescribed, be and they are hereby incorporated and made a body politic for the term of twenty years from the passage of this act, by the name of the Home, Mutual, Fire and Marine Insurance Company, of St. Louis, for the purpose of insuring their respective dwelling houses, stores, shops, and their buildings, household furniture, and merchandize, steamboats, hulls, barges, flat boats and cargoes, against loss or damage, whether the same shall happen by accident, lightning or any other means, excepting that of design in the assured, or by the invasion of an enemy or insurrection of the citizens of this, or any of the United States, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other place whatever, may have and use a common seal, may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and the same may sell and convey at pleasure, provided such real estate shall not exceed one hundred and sixty acres, may make, establish and put into execution such by-laws, ordinances and resolutions, not being contrary to the laws of this State or of the United States, as may seem necessary or convenient for their regulation and government, and for the arrangement of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this act of incorporation.

§ 2. That all and every person or persons, who shall at any time become interested in said company by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein as hereafter provided, shall be deemed and taken as members thereof for, and during the term specified in their respective policies and no longer, and shall at all times be conducted and bound by the provisions of this act.

§ 3. There shall be a meeting of said company at St. Louis, in St. Louis county, on the first Wednesday of April annually, or on such other day as the said company may hereafter determine, at which first annual meeting shall be chosen by a major vote of the members present, and by proxy, a board of directors consisting of not more than fifteen, nor less than nine members, who shall continue in office until others have been chosen, and accepted the trust in their stead, in all vacancies happening in said board, whether by removing from the State, dying or resigning, or neglecting to act for and during the space of three months successively, then, and in every such case, another director shall be chosen in the place of each director so removing, dying or resigning, or neglecting to act as aforesaid, by a majority of the directors present, at any monthly meeting which directors, so chosen, shall remain in office until the next general election of directors, and a majority of the whole board shall constitute a quorum for the transaction of business at their first regular meeting, the board of directors shall class themselves by lots into three classes, of an equal number each, the terms of whose services shall respectively expire as follows: the first in one year, the second class in two years, and the third class in three years; special meetings of the company may be called by order of the directors or whenever the owners of one part of the property insured in said company, shall apply to the directors, setting forth in writing the purposes for which a meeting is called.

§ 4. The board of directors shall superintend the concerns of said company and shall have the management of the funds and property thereof, and of all matters and things thereto relating, not otherwise by said company, they shall have power from time to time to appoint a secretary, treasurer and such other officers, agents and assistants as to them may seem necessary, and prescribe their duties; fix their compensation, and to take such security from them as they may deem necessary for the faithful performance of their respective duties, they shall determine the rate of insurance, the sum to be insured on any building not to exceed two-thirds of its value, nor one-half the value of personal property, and the sum to be deposited for the insurance thereof, they shall order and direct the making and issuing of all policies of insurance, the providing of books, stationary and other things needful for the office of said company and for carrying on the affairs of said company, and may draw upon the treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said company; they shall elect one of their own number to act as president, and may hold their meetings monthly, and oftener if necessary, for transacting the business of said company, and shall keep a record of their

proceedings, and any director disagreeing with a majority of the board at any meeting, may enter his dissent, with his reasons therefor on record.

§ 5. It shall be the duty of the directors of said company, whenever the premium notes thereof shall amount to the sum of one hundred thousand dollars, to build or cause to be built, or procure for the use of said company a fire-proof building, suitable for the transaction of business, and for the preservation of the funds and other property belonging to said company from destruction, by reason or means of fire; and for the purpose of providing said building, the directors may assign any sum not exceeding five per cent. of the amount of the premium notes aforesaid, in any one year, and it shall be the duty of the directors to keep said building in proper repair, and to renew the same in whole or in part, as they may think necessary or expedient.

§ 6. The directors may extend the insurance of said company to every part of the State, on all the real and personal property within the same, with the exceptions and provisions hereinafter enacted, not exceeding the sum of ten thousand dollars in any one risk, at such rate or rates as said directors may, in view of the equity of the case, and the interest of the company determine, insurance shall be made in all cases upon the representation of the assured, contained in his application therefor, and signed by him or his attorney, which representation shall, in fairness and good faith, state all the material circumstances within his knowledge, which may effect the risk, provided, that in case of any loss or damage by fire, the valuation of the property at the time such loss or damage shall be determined by the award of impartial men, as hereafter provided.

§ 7. Books of accounts, written security or evidence of debt, title, deeds, manuscript, or writings of any description, money or bullion shall not be deemed, nor taken to be objects of insurance in said company, curiosities, jewels, medals, musical instruments, plate, paintings, sculpture, statuary, watches, gold or silver ware of any kind, shall not be deemed to be included in any policy of insurance, unless these articles or any of them form part of the usual and regular stock in trade of the assured or are particularly specified in the policy, brewers, chemical establishments, bleaching houses or mills, or the contents of either of them, alcohol, aquafortis, gunpowder, spirituous liquors, tar, turpentine, varnish or any other trades wares or merchandize which may hereafter be excluded by said company at any annual meeting, shall never be deemed insurable by the directors of said company nor any policy issued thereon.

§ 8. Every person who shall become a member of said company by effecting insurance thereon shall, before he receives his policy, deposit his promissary note for such sum or sums of money as shall be determined by the directors, a part, not exceeding ten per cent. of which note shall be immediately paid for the purpose of discharging the incidental expenses of the institution, and the remainder of said deposit note shall be made payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses and at the expiration of the term of insurance, the said note or such part of

the same as shall remain unpaid after deducting all losses and expenses occurring during said time shall be relinquished and given up to the signor thereof.

§ 9. Every member of said company shall be and hereby is bound to pay his proportion of all losses and expenses happening or accruing in and to said company, and all buildings insured by and with said company together with the right, title and interest of the assured to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured, during the continuance of his, her, or their policies.

§ 10. In case of any loss or damage by fire happening to any member of said company, upon property insured in and with said company, the said member shall give notice thereof in writing to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened, and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of loss or damage, and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage at the next court to be holden in and for the county of St. Louis, and State of Missouri, and not afterwards, unless said court shall be holden within sixty days after said determination, but if holden within that time, then at the next court holden in said county thereafter, and if upon trial of said action a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become non-suit, and the said company shall recover their costs; *Provided, however*, that the judgment last mentioned shall in no wise effect the claim of said suffering party to the amount of loss or damage, as determined by the directors aforesaid; *and provided, also*, that execution shall not issue on any judgment against said company until three months after the rendition thereof.

§ 11. The directors after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company, for such loss or damage, settle and determine the same, to be paid by the several members thereof, as their respective proportion of said loss, and publish the same in such manner as they shall see fit, or as the by-laws may have prescribed, and the sum to be paid by each member shall always be in proportion to the original amount of his premium note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice, and if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him, her or them, as his or their proportions of any sum, as aforesaid, in such case the directors may sue and recover the whole amount of his, her or their deposit note or notes, with costs of suit, and the money thus collected shall remain in the treasury of said company, subject

to the payment of such losses and expenses as have, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the term for which insurance was effected.

§ 12. And if it shall ever so happen that the whole amount of deposit notes should be insufficient to pay the loss occasioned by any one fire, in such case the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them, respectively, insured; and, in addition thereto, a sum to be assessed on all the members of said company, not exceeding forty cents on every one hundred dollars by them respectively issued, and the said member shall never be required to pay for any loss occasioned by fire, more than fifty cents on each one hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended, but any member, upon payment of the whole amount of his deposit note, and surrendering his policy before any subsequent loss or expenses has occurred, may be discharged from said company.

§ 13. Said company may make insurance for any term, not less than one month or more than ten years, and, for the conveniences of shippers, may issue upon policies as is usual in other insurance companies, and any policy of insurance issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases wherein the assured has a title, in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same, but if the assured have a lease estate thereon, or if the premises be incumbered the policy shall be void unless the true title of the assured, and the incumbrances be expressed thereon.

§ 14. The directors shall settle and pay all losses within three months, after they shall have been notified as aforesaid, unless they shall judge it proper within that time, to rebuild the house or houses destroyed or repaired, the damages sustained which they are empowered to do, in convenient time, provided they do not lay out and expend in such building or repairs, more than the sum insured on the premises, but no allowance is to be made in estimating damages, in any case, for gilding, historical or landscape painting, stucco, or carved work, nor are the same to be replaced if destroyed by fire.

§ 15. When any house or other building shall be alienated by sale or otherwise, the policy thereupon shall be void, and be surrendered to the directors of said company, to be cancelled, and upon such surrender the assured shall be entitled to receive his, her, or their deposit note, upon the payment of his, her, or their proportion of all losses and expenses that have occurred prior to such surrender, *Provided, however,* that the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, her, or them, for his, her, or their proper use and benefit, upon application to the directors, and with their consent within thirty days next after such alienation, on giving proper security to the satisfaction of the said directors for such proposition [proportion] of the deposit or premium note

as shall remain unpaid, and by such ratification or confirmation, the party causing the same, shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original insured was entitled; and subjected under this act.

§ 16. If any alteration should be made in any house or building, by the proprietor thereof, after insurance has been made thereon with said company, whereby it may expose to greater risk, or hazard from fire, than it was at the time it was insured, then and in every such case, the insurance made upon such house or building shall be void, unless an additional premium and deposit, after such alteration or repairs, in buildings not increasing such risk or hazard, shall in any wise effect the insurance previously made thereon.

§ 17. In case any building or buildings situated on leased lands and insured by said company be destroyed by fire, and the owner or owners thereof, shall prefer to receive the amount of said loss in money, in such case the directors may retain the amount of the premium note given for the insurance thereof, until the time for which insurance was made, shall have expired, and at the expiration thereof, the assured shall have the right to demand and receive such part of such retained sum or sums as has not been expended in losses and assessments.

§ 18. If insurance on any house or building shall be, and subsist in said company, and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified by endorsement on the back of the policy, signed by the president and secretary.

§ 19. The company hereby created shall not be concerned in any trade or other business, except the insurance of property against loss or damage by fire or otherwise, as specified, nor shall said company by any possible construction of the powers granted in this act, exercise any banking privileges whatever, but this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the ends and purposes hereby intended and contemplated.

§ 20. The directors of said company, shall not make more than one assessment for losses in any one year, and in order that such assessment may be made payable at the annual meeting of the company, the directors are authorized in case of any loss or damage by fire, to borrow such sum or sums of money, as may be required to pay such loss or damage, and in making the annual assessment, the interest accruing on money borrowed, and also all necessary incidental expenses shall be included in such assessment.

§ 21. Each and every member of said company shall be entitled to, and allowed an examination of the books, papers and general transactions of said company, upon application therefor to the Secretary.

§ 22. It shall be the duty of the directors to make an annual report of the condition, progress and affairs of said company, a copy of which report shall be furnished to the General Assembly.

§ 23. The individuals named in the first section of this act shall be and they hereby are constituted a board of directors for said company, to serve as such, until the first annual election of directors therein provided for, they

shall have power, if they think fit to make up their number to fifteen, as allowed in the third section of this act, from among the number of said company, and all vacancies which may occur in said board by death, resignation, removal or refusal to serve, may be filled by the remaining members of said board, and a majority of their number at any time, shall constitute a quorum for the transaction of business, they may call the first meeting of the members of said company at any suitable time, and place in the city of St. Louis aforesaid, by advertising in at least two of the newspapers printed in said city, giving at least ten days notice of the place, time, and design of said meeting; they may make and establish by-laws for the government of said company, until the first annual meeting thereof, and may transact any business necessary and proper to carry into effect the provisions and intentions of this act; provided, however, that no policy shall be issued by said company, until his Excellency the Governor of the State, shall have made proclamation that application has been made for insurance in said company, on fifty thousand dollars at least, of which notice shall be given him by the directors.

§ 24. Any future legislature of this State, shall have full power to repeal this charter, whenever it shall be deemed expedient.

This act to take effect from its passage.

APPROVED, March 28, 1845.

JEFFERSON CITY.

AN ACT to provide for the sale of lots in the City of Jefferson.

	SECTION.		SECTION
Sale of lots in Jefferson city ; time, manner and conditions of	1	Duties of commissioner of permanent seat of government	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That on the 1st Monday in June and December in each year, the commissioner of the permanent seat of government is hereby authorized to sell at public auction any of the unsold lots in the city of Jefferson, not exceeding thirty-five in-lots and eight out-lots at any one sale. Sales to be for cash in hand and to the highest bidder.

§ 2. The commissioner of the permanent seat of government shall, in all respects, be governed by the laws now in force providing for the sale of lots in the city of Jefferson, except so much as may conflict with the provisions of this act, and except also, that no advertisement of said sales shall be made except in the newspapers published in the city of Jefferson.

This act to be in force from and after its passage.

APPROVED, March 27, 1845.

CITY OF JEFFERSON.

AN ACT to close the sales of lots in the City of Jefferson.

SECTION.
 Lots in City of Jefferson may be sold at private sale 1
 Conveyance of lots so sold 2

SECTION.
 Certain laws made applicable to proceedings under this act 3

WHEREAS, several of the vacant lots owned by the State, in the City of Jefferson remain unsold, and the timber on them is fast being destroyed, which destruction it has been found hitherto impracticable to prevent, and in consequence of this fact, and the remoteness of the unsold lots, the semi-annual sales by the commissioner of the seat of government have been rendered almost unnecessary, only three lots having been sold at the last sale; now, Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Any person may purchase at private sale any of the unsold lots in the City of Jefferson, on application to the commissioner of the permanent seat of government, by paying to said commissioner the minimum price established by law on such lots.

§ 2. When any such lot or lots shall be so purchased, the said commissioner shall convey the same to the purchaser as fully as if such lot or lots had been sold at [public] sale.

§ 3. The said commissioner shall in all things be governed, in the sales of lots under this act, by the law at present regulating the sales of lots in the City of Jefferson, except where such law is inconsistent with the provisions of this act.

This act shall take effect from and after its passage.

APPROVED, March 27, 1845.

JURIES.

AN ACT relating to Juries.

SECTION
 Compensation of jurors in justices' courts 1
 in Greene county 1
 " in circuit courts 2
 " on inquest, or *ad quod dam-*
num 3

SECTION
 Juror in circuit court, per diem allowance 4
 of. Not to be allowed additional pay for
 serving on more than one jury on same
 day

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Each and every person being lawfully summoned as a juror in any of the justices' courts in the county of Greene, shall be entitled to receive thirty-seven and a half cents for such services, in every case where they serve as a juror, to be taxed as other costs in the suit, and paid over by the constable to each person so summoned and serving.

§ 2. Each person serving in the circuit court in the county of Greene, shall be entitled to receive fifty cents for each case in which he may be summoned and serve as a juror, to be taxed as other costs in the suit, and paid over by the sheriff to each juror.

§ 3. Every juror summoned by any officer in said county, to make enquiry upon view of the dead body of any person, or to enquire upon the damages of any writ of *ad quod damnum*, or to enquire of any matter not embraced in the provisions of the preceding sections, shall be entitled to receive the sum of fifty cents for each day such juror may be engaged in such enquiry, to be taxed as other costs.

§ 4. And be it further enacted in all cases where a petit juror, serving in any of the circuit courts in Greene county, shall be detained more than one day, shall be entitled to fifty cents for each additional day's service, to be taxed as other costs in the suit, and paid over as provided for in the preceding sections, but nothing in this [act] shall be so construed as to allow any person pay for serving on more than one jury in the same day.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 20, 1845.

JURORS.

AN ACT to provide for the payment of Jurors in St. Louis county.

	SECTION.		SECTION
County court of St. Louis county to make a list of petit jurors, and periodically to amend the same,	1	Duties of clerks respecting said compensation,	9
Duties of the clerk of the county court, under this law,	2	Special juries may be ordered under the general law,	10
Duties of the sheriff and marshal, under this law,	3	Compensation of certain officers limited, limitation not to take effect during the present terms of said officers,	11
Jurors to serve one week and no more,	4	Duties of said officers respecting said limitation,	12
Jurors to be summoned under the general law in certain cases, and under certain circumstances,	5	Supervisor of books, &c., appointed, duties of said officers respecting said supervisor,	13
Jury fee to be \$3. Plaintiff to pay the same. To be non-suited for failure to pay the same, no case to be submitted to the court before payment of said fee, said fee to be taxed as costs,	6	Penalty against said officers for failing to comply with said duties,	14
Duties of certain clerks and of the sheriff respecting jury fees,	7	Duties and compensation of said supervisor,	15
Compensation of jurors, how payable,	8	Manner of paying jurors,	16
		Certain laws repealed,	17

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. It shall be the duty of the county court of St. Louis county to make out, as soon as practicable after the passage of this act, an alphabetical list of all persons, in each ward of the city of St. Louis, and in each township of said county separately, subject to serve as petit ju-

rors, which said list shall be corrected and amended by said county court in the month of January of each succeeding year.

§ 2. Said list of persons subject to serve as petit jurors, shall be kept in the office of the clerk of the county court of said county of St. Louis, and it shall be the duty of the said clerk to furnish the names of twenty-four persons, taking the same in alphabetical order from said list, to the sheriff and marshal of said county, as often as they may call for the same, taking care that the name of no person shall be furnished to the sheriff or marshal a second time, until the whole number of persons subject to serve shall have been gone through.

§ 3. It shall be the duty of the sheriff, and of the marshal of the county of St. Louis, to apply to the clerk of the county court of St. Louis county for a list of twenty-four persons as above provided, and summons the same to serve as petit jurors accordingly, and at least one week before they shall be bound to appear, and to renew their applications, and make their summons, as often as occasion may require, for the St. Louis circuit court, Saint Louis court of common pleas, and Saint Louis criminal court respectively. A copy of list of persons so summoned shall, in all cases be returned, by the officer making the summons, to the clerk of the court wherein the persons summoned are to serve.

§ 4. That all persons so selected and summoned shall, unless sooner discharged, serve for the term of one week, or so many days as the court may require a jury for said week, and no longer, unless the trial whereon they are sitting as jurors, shall not have been determined.

§ 5. If there be a failure to select and summons persons in the manner hereinbefore provided, or if any juror or jurors, selected and summoned as aforesaid, shall be excused by the court, the requisite number of jurors shall be summoned under the order of the court, and in accordance with the general law, provided that no person who shall have served as a regular juror at any one term of a court, shall be summoned at said time [term] under the authority of this section, nor shall any person be summoned twice at any one term of a court under the authority of this section.

§ 6. A fee of three dollars, as a jury fee, shall be paid by the plaintiff in every suit tried in the circuit court, or court of common pleas of said county, except in suits removed to either of said courts from before justices of the peace by appeal or otherwise, in which suits the fee shall be one dollar. Such jury fee shall be paid to the sheriff before the trial of any such suits shall proceed, and upon a failure of the plaintiff to pay such fees when the case is called for trial, a judgment of non-suit shall be entered. No submission of the case to the court for a trial of facts, shall be allowed until after the payment of the jury fee; and such fee shall be taxed in the bill of costs against the unsuccessful party.

§ 7. The clerk of each of said courts shall certify to the county court of the county of Saint Louis, at each term, a list of all causes wherein jury fees are taxed, and the sheriff shall, at each term of the county court render, under oath, an account of all jury fees collected by them

respectively, and unaccounted for, and pay the same into the county treasury.

§ 8. That all persons serving as jurors under the provisions of this law, shall be entitled to the sum of one dollar per day for each day he may serve, and five cents per mile for going to and returning from the county seat which shall be payable only out of the jury fund in the county treasury.

§ 9. The clerk of each court, whenever a juror is entitled to fees, shall furnish to him a certificate of the amount to which he is entitled, which shall be presented to the county court, who shall draw their warrant for the same on the county treasurer, payable out of the jury fund. The clerk, in giving his certificate shall in all cases, require the juror claiming a certificate to swear to the justness of the amount presented by him. The said clerks shall also each keep a register of persons serving as jurors, in which they shall designate the number of days each person shall serve, and distinguish those selected from the list by the clerk of the county court, and those summoned by order of the court under the fifth section of this act; and he shall weekly furnish the clerk of the county court with a copy of the list for the current week.

§ 10. Nothing in this act shall prevent either of the courts mentioned from ordering a special jury in cases authorized by the general law.

§ 11. The persons hereafter elected or appointed to the following named offices, in said St. Louis county, shall not withhold as compensation for their services respectively, more of the fees received by them in the discharge of the duties of their respective offices, than the following sums, to wit: The sheriff of said county seven thousand dollars per annum; the clerk of the circuit court three thousand five hundred dollars per annum; the clerk of the court of common pleas three thousand dollars per annum; the clerk of the criminal court two thousand five hundred dollars per annum; the clerk of the county court and recorder, three thousand dollars per annum; the marshal two thousand five hundred dollars per annum; the law commissioner one thousand five hundred dollars per annum; and each justice of the peace within said county, the sum of twelve hundred dollars; and each constable within said county the sum of fifteen hundred dollars; which said sums shall be in full for all salaries and compensation appertaining to the offices aforesaid. The provisions of this section shall not take effect until the expiration of the time in office of the present incumbents in the above named offices.

§ 12. It shall be the duty of each of the officers aforesaid, from and after the taking effect of the foregoing section, to keep a book, in which they shall enter every fee that may in anywise become due to them respectively, and the same shall be by them collected, if it can be done, and at the end of each year from and after the taking effect of the foregoing section, the said officers respectively, shall pay whatever in his office may be received, over and above the sums named in the preceding section of this act, to the county treasurer and take his receipt for the same.

§ 13. It shall be the duty of the county court of St. Louis county to

appoint a supervisor of all the books, papers and accounts of all and every kind, connected with either of the offices named in the eleventh section of this act, and it is hereby made the duty of each of the officers named in said eleventh section, at any and all times when called upon by said supervisor, to exhibit to his inspection and examination all books, papers and accounts connected in any way with his office, such as the said supervisor may deem it necessary to examine to carry out the duties herein imposed upon him.

§ 14. If any of the officers named in the eleventh section of this act, shall, after the taking effect of the eleventh section of this act, wilfully fail or refuse to tax all lawful fees that appertain to their respective offices, and collect them if possible, or shall wilfully fail or refuse to keep a correct account thereof, or shall embezzle any portion thereof, or shall fail or refuse to pay over any amount to the county treasurer, as herein provided, or shall refuse to exhibit to the supervisor his books, papers or accounts, as herein provided, or shall wilfully fail or neglect to do any act or thing calculated to defeat the provisions of this act, he shall be deemed guilty of a misdemeanor in office, and upon conviction thereof, as is provided in case of any other misdemeanor, shall be removed therefrom.

§ 15. The supervisor aforesaid shall, at the end of each year from and after the taking effect of the eleventh section of this act, make a full report in writing, to the county court of said county, of all his acts and doings touching the duties herein imposed upon him, in which he shall state how often, and in what manner he conducted his investigations, in what condition he found the various offices examined, who of them were derelict of their duties herein imposed, and what amount was paid by each of them to the county treasurer, as required by this act; and for the duties herein imposed on him, the said supervisor shall have five per centum on the amount received by the county treasurer by virtue of the provisions of the eleventh section of this act, to be paid by the treasurer of the county out of this fund.

§ 16. If a sufficient amount may not be realized from the provisions of the foregoing sections of this act, to pay the whole amount that may accrue to jurors in said county, the residue shall be taken from the county treasury out of any money in the treasury specially collected as a jury fund.

§ 17. All acts or parts of acts heretofore enacted, which may be inconsistent with this act or any part thereof, be and the same are hereby repealed.

This act to take effect from its passage.

APPROVED, March 27, 1845.

JURORS.

AN ACT to pay jurors, in Gasconade county.

	SECTION.		SECTION.
Clerk of Gasconade circuit court to certify the number of days service of, and distance travelled by each grand juror	1	Petit jurors, pay of, fixed. To be taxed as costs, except when they fail to render a verdict	3
Compensation of said jurors fixed; and county treasurer to pay the same on presentation of certificate	2	Grand jurors pay to cease, when petitioned against	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It shall be the duty of the clerk of the circuit court of Gasconade county to give a certificate to each grand juror, hereafter serving in said court, of the number of days said juror may have served, and of the distance said juror may, at the time of service, have resided from the Gasconade court house.

§ 2. It shall be the duty of the treasurer of the county of Gasconade, on the presentation of any such certificate, to pay said juror, or bearer, one dollar (\$1.00) per day, for any number of days said juror may have served, as may appear by such certificate, and also to pay said juror or bearer five cents (5 cts.) for every mile said juror may have travelled in going to, and returning from said court house, as may also appear by such certificate. The said pay and mileage shall be paid out of any money belonging to the treasury of Gasconade county, which may not be otherwise appropriated.

§ 3. It shall also be the duty of the clerk of the circuit court of Gasconade county, as well as the sheriff and all constables and justices of the peace, in and for said county of Gasconade, to tax, as any other writs, thirty-seven and a half cents (37½ cts.) for each juror that may serve on any suit that may be determined by a jury in the circuit or county courts of Gasconade county; or before the sheriff, or any constable, or any justice of the peace in and for said county; provided, no such additional costs of thirty-seven and one-half cents for each juror, as above, shall be taxed by the said courts or officers, when the jury shall fail to agree upon, or render a verdict.

§ 4. This act shall be null and void, so far as it relates to the pay of grand jurors, whenever a majority of the taxable inhabitants of said county, according to the tax list last returned, shall petition the county court of Gasconade county therefor.

This act to take effect and be in force from and after its passage.
APPROVED, March 27, 1845.

JUSTICE—SEATS OF.

AN ACT to legalize the acts of the commissioners locating the seat of justice for Scotland county.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the place fixed and designated by the commissioners appointed to locate the seat of justice for Scotland county, is hereby declared valid as though it had been done in strict conformity with the law authorizing the same.

This act to take effect from and after its passage.

APPROVED, Jan. 14, 1845.

JUSTICE—SEATS OF.

AN ACT to locate the county seat of Bates county.

SECTION.		SECTION.	
County court of Bates county to order an election for selecting a county seat—	1	If at the first election any site receive a majority, it shall be the county seat,	6
when,	2	County court to receive or purchase cer-	
Election to be held at the several precincts,	3	tain lands. To make a certain report to	
Notice to be given,	4	the circuit court. Circuit court to de-	
Management of election. Qualifications	5	cide on the validity of the title. Town	
of voters,		to be laid out and to be named "HER-	7
Duties of judges and clerks of election.		MITAGE,"	
The site receiving the greatest number		Plats and descriptions of the proposed sites	
of votes, to be the county seat. Pro-		to be filed with the county clerk; and	
ceedings in case more than two sites are		no site to be voted for otherwise,	8
voted for,			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of Bates county is hereby authorized and required, to cause an election to be held in said county on the first Monday in March, 1845, or on such subsequent day as the court may direct, for the purpose of locating the county seat of said county.

§ 2. The voting shall be had at the different precincts in said county, as in the case of general elections.

§ 3. The court shall cause such and like notice to be given of the time and places of holding said election, as is required in case of special elections, together with the object of such election.

§ 4. Poll books shall be made out and furnished, and judges appointed as in cases of general elections; and all citizens of said county eligible to vote for members to the General Assembly, shall be entitled to vote in said election.

§ 5. The judges and clerks of said election shall conduct the same, and make like returns thereof as in cases of general elections: should there be but two sites voted for, that site receiving the greatest number of votes shall be declared by the county court the permanent seat of justice for said county; but if more sites than two be voted for, then and in that case the court shall order a new election, to be held on a subsequent day, proceeding in like manner with regard to notice; and shall cause the clerk in making out the poll books, to insert in columns for that purpose, the two

sites voted for at the first election held under the provisions of this act, having received the highest number of votes and a greater number than any other site, and the election shall then be held between these two sites, (and all other points voted for at the first election shall be dropped,) and that the site receiving a majority of the votes given shall be declared the permanent seat of justice of said county. The county court, previous to the second and last election to be holden under the provisions of this act, shall cause the names of the said two sites to be voted for specified in the notice, and any votes offered for any other site than those specified in the notice, shall not be received or noticed.

§ 6. If however, any of the sites voted for at the first election, shall receive a majority of all the votes given, it shall be the county seat of said county.

§ 7. So soon as the site shall be determined pursuant to the preceding section, it shall be the duty of the county court to purchase or receive as a donation such parcels of land, including the place selected as a seat of justice for said county, as the said court may judge most convenient, not exceeding one hundred and sixty acres if purchased, and not less than fifty acres in any case; and the donors or venders shall execute and deliver to the county court a good and sufficient deed or deeds, conveying to said county the lands so sold or given in fee simple, without any reservation or condition whatsoever, and the said donor or donors, vendor or vendors, shall also deliver to said court, an abstract of the title papers, deeds, conveyances and assurances, by or through which he or they claim to derive title; and the judges of the county court of said county shall make a report of their proceedings accompanied by the deed or deeds for said land, the abstract and evidence of title aforesaid, to the circuit court of said county at their next session, and if they approve the title they shall certify their decision thereon to the tribunal transacting county business, and the place so selected shall be the permanent seat of justice for such county, and the title of the lands so conveyed vested in said county; and the county court shall proceed to cause a town to be laid out as is provided in the general law in similar cases; and the said town and county seat shall be called by the name of Hermitage.

§ 8. That previous to any election being held under the several provisions of this act, there shall be filed in the office of the clerk of the county court of said county, a description and plat of each of the sites to be voted for, which plat and description shall clearly point out the particular tract of land or part of tract on which the town is to be laid out, describing it by its section, township and range, and the name of the site to be voted for, and it shall be the duty of the county court, after the election is determined, to cause the provisions of the seventh section of this act to be fully carried into effect accordingly. No site shall be voted for unless the plat and description be previously filed in the clerk's office as provided in this section.

This act to be in force from and after its passage.

APPROVED, Jan. 30, 1845.

JUSTICE—SEATS OF.

AN ACT relative to the permanent Seat of Justice of Taney county.

SECTION.		SECTION.
A certain site declared the county seat of Taney county,	1 Courts to be there held,	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the site selected for the permanent seat of justice in Taney county, by the commissioners selected under the provisions of an act entitled "an act to establish the permanent seat of justice in Taney county," approved February 15, 1841, and which was approved of by the judge of the thirteenth judicial circuit, at the November term of the Taney circuit court, in the year of our Lord eighteen hundred and forty-four, is hereby declared to be the permanent seat of justice of Taney county, any existing law to the contrary notwithstanding.

§ 2. The circuit and county courts of said county of Taney, shall be held at the site selected by said commissioners, and approved of as aforesaid, and at no other point in said county.

This act to be in force from its passage.

APPROVED, Feb. 12, 1845.

JUSTICE—SEATS OF.

AN ACT appointing commissioners to locate the seat of justice of Mississippi county, and for other purposes.

SECTION		SECTION.
Commissioners appointed to locate the county seat of Mississippi county—their duties.	1	5
County judges appointed	2	6
County court to appoint assessor and clerks; and Governor to appoint sheriff and coroner. Their tenure of office	3-4	7
Commissioners not required to give notice of time and place of meeting. Vacan-		8
		9
		10
		11

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That C. P. Fulenwider, of Cape Girardeau county, and Adrian B. Owen, of Stoddard county, and Thomas Neille, of New Madrid county, be, and they are hereby appointed commissioners to locate the seat of justice of Mississippi county; they, or a majority of them, shall meet at the residence of Thomas Hunter, in said county, on or before the fourth Monday in March next, and when so assembled said commissioners, or a majority of them, shall proceed to examine and select the most suitable place in said county whereon to erect the public buildings, and to establish the seat of justice of said county; in making such selection they shall have due regard to the ex-

tent of the population and the situation of said county, and the interest and convenience of the inhabitants thereof; said commissioners may purchase or receive by donation, less than fifty acres of land, on which to locate said seat of justice, on such conditions and terms as they may think most expedient.

§ 2. That Absalom McIlmurry, William Sayers and James P. Overton, of said county, be, and they are hereby appointed justices of the county court of said county.

§ 3. The county court of said county shall appoint an assessor for said county, and also a clerk for the county and circuit courts of said county; it shall be the duty of the Governor of this State to appoint some suitable persons to be commissioned as sheriff and coroner of said county, to hold their offices until their successors are duly elected and qualified.

§ 4. All officers created by this act shall hold their offices until the next general election for such officers, and until their respective successors are elected and qualified.

§ 5. It shall not be necessary for the commissioners herein appointed to give notice of the time and place of meeting as now required by law, and if said commissioners fail or refuse to act, the county court of said county shall appoint other commissioners to act in their stead, none of whom shall be residents or land-holders in Mississippi county.

§ 6. The county and circuit courts of said county shall be held in Charleston, in said county, until a court house is erected, or a suitable house to hold court in is procured at the seat of justice of said county; but said county court may order courts to be held at any other place than Charleston, if they think proper to do so.

§ 7. The county courts of said county shall be commenced on the third Mondays in April, July, October and January, in each year.

§ 8. Whenever the parties to any suit, which is undetermined in the Scott county court, shall reside in Mississippi county, and either of the parties to such suit shall apply to the clerk of the county court of Scott county, to have said suit removed to the county court of Mississippi county, it shall be the duty of the clerk of the Scott county court, to deliver in a reasonable time, to the clerk of the county court of Mississippi county, all the original papers on file in his office, which relate to such suit, and the clerk of the county court of Scott county, shall also, if required, make out a copy of all the records which may relate to such suit, and deliver the same to the clerk of the county court of Mississippi county, and such copies shall be entitled to the same credit that the original record may be entitled to, but the clerk of the county court of Scott county shall not be compelled to make out and deliver any copies of records, as aforesaid, unless his fees for making out and certifying the same are paid in advance.

§ 9. The commissioners appointed to locate the county seat of Mississippi county, shall each receive the sum of three dollars per day, to be paid out of the first unappropriated money that may be in the treasury of said county, for each day they may necessarily be engaged in such duty.

§ 10. All justices of the peace, now in office, who were commissioned by the county court of Scott county, and who may reside in the limits of Mississippi county, may continue to serve out their term of office, in the same

manner as though they had been commissioned by the county court of Mississippi county.

§ 11. This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 14, 1845.

JUSTICE—SEATS OF.

AN ACT to locate the county seat of Ripley county.

Commissioners appointed to locate county seat of Ripley county; time and place of meeting.

Be it enacted by the General Assembly of the State of Missouri, as follows:

[§ 1.] That Andrew McElmurray, of Shannon county, and Samuel Citerel, of Wayne county, and Isaac Jobe, of Oregon county, be, and they are appointed commissioners, whose duty it shall be to meet at the mouth of Buffalo, on Current river, on the first Monday in June, or as soon thereafter as may suit the convenience of the commissioners, and proceed to lay out and locate the county seat of Ripley county, and the place designated by the said commissioners shall be the permanent seat of justice for said county, and the said commissioners shall be governed by the general law locating county seats.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 28, 1845.

JUSTICE—SEATS OF.

AN ACT to authorize the people of Buchanan county to remove their seat of justice.

SECTION		SECTION	
Commissioners appointed to select a seat of justice for Buchanan county, at or near St. Josephs. Vacancies, how filled. Commissioners to, make oath	1	Sheriff to give notice of the election; his compensation therefor, and penalty for failing therein	6
Time and place of meeting	2	If election be conducted and adjudged illegal, new election to be held	7
Two to be a quorum	3	Qualifications of voters. Time and place of election	8
Commissioners to receive certain donations and report thereon to the circuit judge, who shall decide the validity	4	Consequences of the selection of either site	9
Election to decide between the proposed and present site	5	Commissioners may locate on less than fifty acres	10
		Compensation of commissioners	11

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Henry B. Mayo, of the county of Platte, William Huston, of the county of Clinton, and Joseph B. Nichol, of the county of Andrew,

be and they are hereby appointed commissioners to select at or near the town of Saint Joseph, in the county of Buchanan, a site for the permanent seat of justice for Buchanan county; should vacancies occur among said commissioners the county court of Buchanan county, shall fill the same by appointing some competent, disinterested person or persons, non-residents of Buchanan county. It shall be the duty of each commissioner before entering upon his duties, to take an oath or make affidavit before some judge or justice of the peace of Buchanan county, that he will faithfully discharge the duties of such commissioner.

§ 2. It shall be the duty of said commissioners to assemble in the town of Saint Joseph, on the first Monday of April next, or if they should fail to assemble on that day, then as soon thereafter as practicable, and they may hold adjourned meetings.

§ 3. Any two of said commissioners shall be competent to do business.

§ 4. Said commissioners shall receive such donation, in land, money or subscriptions, as shall be tendered to them, and when a suitable site for public buildings shall have been tendered them, and they shall have obtained all the money and subscriptions practicable, without unreasonable delay they shall report the title papers, together with the subscription papers, to the judge of the circuit court of Buchanan county, whether said circuit court be in session or not, and such judge shall examine the same, and if he approve the validity thereof he shall certify his decision thereon to the county court of Buchanan county; but if he disapprove their validity he shall return the same to the commissioners, with his reasons for their invalidity; whose duty it shall be to correct the error, or to proceed anew as at first, and to make another report to the judge, whose duty it shall be to examine and certify as before, and so proceed till the title shall be approved.

§ 5. When the judge shall certify his approval of the title papers to the county court, it shall be the duty of the county court without delay, to fix on some day not more than sixty, nor less than forty days distant, for an election by the people, between the present site and the site proposed by the commissioners for the seat of justice.

§ 6. The sheriff of Buchanan county shall cause notices to be set up in three of the most public places in each township in the county, at least thirty days before the day appointed for the election, describing the site selected, the quantity of land donated, and the amount of money subscribed, and notifying the inhabitants of the time, place and purport of the election, and make return thereof to the county court at least ten days before said election, for which said county court shall pay to said sheriff, out of the county treasury, such compensation [as] they shall deem right and reasonable; and if the sheriff fail to perform the duty enjoined by this section, he shall be fined fifty dollars, to be recovered by indictment.

§ 7. If the election be contested, the same shall be tried by the county court, and determined without unnecessary delay, and if adjudged illegal, the county court shall cause a second election to be held in like manner as the first election, giving like notice, and if necessary a third and fourth election, till one shall be adjudged legal.

§ 8. All free white male taxable inhabitants, over the age of twenty-one years, resident of the county at the time of the election, shall be eligible to vote, and the election shall be held at the same places and in a manner similar to elections for civil officers.

§ 9. If a majority of all the legal votes of the county, as in the next preceding section specified, be given for Sparta, the title and subscription papers shall be of no effect; the former shall be returned to the persons executing the same, and the latter destroyed, and no further proceedings shall be had under this act. Should there not be a majority for either place, the county court shall cause a second and third election, if necessary, to be held until there shall be a majority for one place or the other; but should there be such majority for the proposed site, the same shall be the permanent seat of justice for Buchanan county, and the title to the real estate donated, and the subscriptions and money shall vest in said county, and such proceedings, not inconsistent with the provisions of this act, shall be had, both in reference to Sparta, and the holders of lots therein, and in reference to the new seat of justice as in the case of the removal of the seats of justice, as required by an act entitled "An act to provide for the removal of seats of justice," approved February sixth, eighteen hundred and thirty-five, provided that should lots be relinquished to the county in Sparta, as in said last mentioned act specified, the county shall refund the money originally paid, with ten per cent. interest in case she should not have lots to sell at the new seat of justice.

§ 10. If the commissioners cannot procure lands to the amount of fifty acres, in which to locate the seat of justice; they are hereby authorized to locate on any less quantity.

§ 11. The county court shall allow to the commissioners reasonable compensation for their services out of the county treasury.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

JUSTICES.

AN ACT to provide for an additional justice of the peace for St. Louis county.

SECTION.		SECTION.
Justice of the peace to be elected in Bridgeton; his powers, and tenure of office, Election, and return thereof, as in other	1	cases, Governor to appoint said justice, &c., till next election,
		2
		3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the qualified voters within the corporate limits of the town of Bridgeton, in the county of Saint Louis, shall, at the next general election for said county, elect a justice of the peace, who shall reside and keep his office in said town, and possess the same powers and jurisdiction

as other justices of the peace within the township in which said town is situated; and shall hold his office for four years, and until his successor be elected and qualified.

§ 2. That the election for said justice of the peace shall be held, the return thereof made, as in other cases, and the person elected be commissioned in like manner as other justices of the peace, for said county of Saint Louis.

§ 3. That it shall be the duty of the Governor of this State to appoint some suitable person to said office of justice of the peace, and fill all vacancies that may occur therein, until the next general election for said county of Saint Louis.

APPROVED, Dec. 19, 1844.

JUSTICES.

AN ACT to authorize the election of a Justice of the Peace within the limits of Cape Girardeau city.

SECTION.		SECTION.
Justice to be elected for Cape Girardeau township, When and how, County court, meantime, to appoint such	1	justice, Certain laws applied to said justice,
		2 3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That at the next general election there shall be elected by the qualified voters of Cape Girardeau township, in Cape Girardeau county, a justice of the peace who shall reside within the city limits of the town of Cape Girardeau, and at the end of every four years a justice shall be elected as aforesaid.

§ 2. It shall be the duty of the county court of said county of Cape Girardeau, to appoint a suitable person to fill the office of justice of the peace, within the limits of the town of Cape Girardeau, who shall hold his office until the first general election, and until his successor is duly elected and qualified.

§ 3. Said justice so appointed or elected as justice of the peace, shall be governed in all respects by the laws regulating justices of the peace in this State.

This act to take effect from and after its passage.

APPROVED, Feb. 22, 1845.

JUSTICES.

AN ACT entitled an act to provide for the election of Justices of the Peace in the township of St. Louis, in the county of St. Louis.

SECTION.		SECTION.	
Certain justices of the peace, how elected,	1	Justices in said city, how elected,	4
Vacancies, how filled,	2	Number of justices in said city,	5
Orders of elections of justices in city of St. Louis, how published,	3	Certain laws repealed,	6

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That justices of the peace in the municipal townships of St. Louis, in the county of St. Louis, shall be henceforth elected in the manner hereafter prescribed.

§ 2. That whenever a vacancy shall occur in the office of justice of the peace in said township, the same shall be filled by election, and to that effect the county court, or the clerk thereof in vacation, shall immediately order an election to be held for the purpose of filling said vacancy.

§ 3. That every order for the election of justices of the peace, in the wards of the city of St. Louis, shall be put up in three public places in the ward in which such election is to be held, in the manner as at present provided by law, with respect to townships.

§ 4. That in all elections of justices of the peace for the wards of the city of St. Louis, the choice shall be by the voters of each ward for the justice or justices to be elected therein, and for no other.

§ 5. That the justices of the peace of the several wards of the city of St. Louis shall be in number the same as now provided by law; and two for each ward, shall constitute the number of justices of the peace, to which said city shall be entitled, from and after the passage of this act.

§ 6. That all acts and parts of acts conflicting with this act, are hereby repealed; and this act shall take effect from and after its passage.

APPROVED, March 22, 1845.

JUSTICES.

AN ACT to extend the jurisdiction of the Justices of the Peace and constables, in the town of Washington, and township of St. Johns, in Franklin county.

SECTION.		SECTION.	
Jurisdiction of justices of the peace in St. Johns township and in Washington, extended,	1	No suit in said township or town to be dismissed on the ground of non-residence, provided the party reside in either,	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The justices of the peace in the township of St. Johns, and in the town of Washington, in said township, in the county of Franklin, shall

have jurisdiction as justices of the peace throughout said township and town; and all summonses, executions, veniremes for jurors, and all other process by them or either of them issued, may be executed by the constable of said township or town, throughout said township and town.

§ 2. No suit instituted in said township or town before any justice of the peace, shall be dismissed upon the ground that the defendant does not reside in said township or town, if he shall reside in either; nor upon the ground that the plaintiff does not reside in said township or town in which suit was instituted and the defendant found.

This act shall take effect and be in force from and after its passage.

APPROVED, March 24, 1845,

LANDLORDS.

AN ACT concerning Landlords and Tenants, in the county of St. Louis.

	SECTION.		SECTION.
A certain act repealed.	1	not tendered before justice, landlord to be put in possession. Duty of constable in the matter.	5
In default of payment of rent, tenant may be dispossessed.	2	Tenant holding by written lease with a clause of forfeiture, not to be ousted till lapse of time specified.	6
After demanding rent due, landlord may file affidavit with a justice, setting forth certain matters. Justice to issue summons.	3	Demand deemed good, if made after rent due.	7
Summons returnable in three days.	4		
Upon summons executed, and payment			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The act entitled, an act concerning landlords and tenants, in the county of St. Louis, approved February twenty-fifth, eighteen hundred and forty three, be and the same is hereby repealed.

§ 2. That in all cases in which lands or tenements, in the county of St. Louis, are, or shall be rented, or leased, and default shall be made in the payment of the rent at the time, or times agreed upon by the parties, it shall be lawful for the landlord to dispossess the tenant, and all sub-tenants, and to recover possession [possession] of the premises rented or leased, in the manner hereinafter provided.

§ 3. Whenever any rent has become due and payable, and payment has been demanded by the landlord or his agent, from the lessee or person occupying the premises, and payment thereof has not been made, the landlord or his agent, may file an affidavit with any justice of the peace, in the township in which the property is situated, or if the same shall be in the city of St. Louis, then with any justice of the peace in the ward in which the property is situated, setting forth the terms upon which the property was rented, and the amount of rent actually due to such landlord, that the same has been demanded from the lessee or person occupying the premises, and that payment has not been made, and particularly describing the property leased, and thereupon such justice shall issue a summons, directed to such

lessee and to all persons occupying the property by name, requiring them to appear before him upon a day to be therein named, and show cause why possession of the property should not be restored to the plaintiff.

§ 4. The summons shall be made returnable within three days, and shall be served upon the lessee or persons occupying the property, two days before its return, the service to be by reading the same to the defendants, or delivering to them a copy.

§ 5. Upon the return of the summons executed, the justice shall proceed to hear the cause, and if it shall appear that the rent which is due has been demanded from the lessee or persons occupying the property, and that payment has not been made, and if the payment of such rents with all costs, shall not be tendered before the justice on the hearing of said cause, the justice shall render judgment, that the landlord be restored to the possession of the premises so rented or leased, and that the persons served with the summons pay all costs, and shall issue an execution upon such judgment, commanding the constable to put the landlord into immediate possession of the property leased or rented, and to make the costs of the goods and chattels of the defendant; upon which execution the constable shall deliver possession of the premises to the landlord, within five days from the time of receiving the said execution, and he shall proceed upon the said execution to collect the costs, and return the writ as in other executions issued by a justice of the peace.

§ 6. When the property is held by a written lease, containing a clause declaring the lease forfeited for the nonpayment of rent for a specified time, no process shall issue against the lessee or lessor occupying the premises, until after the expiration of said time.

§ 7. Any demand of rent by a landlord or his agent, shall be deemed good within the meaning of the third section of this act, when made at any time after the said rent becomes due, according to the time of the agreement, whether by written lease or otherwise.

This act shall take effect from and after its passage.

APPROVED, Feb. 27, 1845.

LANDS.

AN ACT *amendatory to an act entitled, "an act to provide for the selection and sale of the lands granted to this State, by an act of Congress, approved September the 4th, 1841," approved February the 27th, 1843.*

	SECTION.	
Land office removed from Sparta.	1 Established at Savannah.	

	SECTION.
	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That so much of the fifth section of the above recited act, as declares that a land office shall be, and is established, at the town of Sparta, in Buchanan county, is hereby repealed.

§ 2. That a land office shall be, and is hereby established, at the town of Savannah, in the county of Andrew, at which place, all the lands selected in Platte, Buchanan, Andrew, and Holt counties, shall be entered.

This act to take effect and be force, from and after its passage.

APPROVED, January 22, 1845.

LANDS.

AN ACT amendatory of an act, approved Febr'y. 27, 1843, to provide for the selection and sale of the lands granted to this State, by an act of Congress, approved September 4th, 1841.

Commissions due Register and Receiver of State Land Office, at Chillicothe, how payable. § 1

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. All commissions due the former register and receiver of the State land office, at Chillicothe, for services rendered, as provided in said act, shall be paid them out of the proceeds arising from the sale of State lands.

This act to take effect from its passage.

APPROVED, March. 20, 1845.

LOAN.

AN ACT to authorize the Governor of the State of Missouri to borrow money.

SECTION.		SECTION.	
The Governor may borrow money from the Bank of Missouri, or any of its branches, how much and at what rate of interest, how to be applied, Governor to issue the necessary bonds, how and when, If the bonds, at maturity. be not fully paid, new bonds to be issued,		No bond to be in amount, less than \$500, old bonds, when renewed, to be cancelled,	5.
	1	Interest upon the bonds, how to be computed and paid,	6
	2-3	Bank of Missouri, and branches authorized to purchase the bonds, and the faith of the State pledged for their payment,	7
	4		

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Governor of the State of Missouri is hereby authorized to borrow from the Bank of the State of Missouri, or any of its branches, any sum of money not exceeding seventy-five thousand dollars, at a rate of interest not greater than six per cent. per annum, which sum so borrowed, shall be, so soon as received, placed in the treasury of the State, and made applicable to such appropriations, as may by law be prescribed.

§ 2. The Governor shall issue the bonds of the State, necessary to procure the loan authorized in the preceding section, in such sums, and at

such times, as may be necessary to meet the demands against the treasury of the State.

§ 3. The bonds hereby authorized to be issued shall be signed by the Governor, and countersigned by the Secretary of State, shall be made payable in twelve months from the date of their negotiation, and redeemable at any time within that period.

§ 4. In the event that the State shall not be able to pay the whole amount of the bonds that may be issued under this act, at their maturity, the Governor is hereby authorized and required to renew the same for any balance which the State may not be able to pay, which bonds shall be made payable in twelve months or less, from the time of such renewal, and to bear interest at a rate not greater than six per cent. per annum.

§ 5. No bond issued under the authority of this act shall be for a sum less than five hundred dollars, and in all cases of a renewal of bonds, the old bonds shall be taken up and cancelled.

§ 6. In negotiating the bonds hereby authorized to be issued, the interest or discount upon the same shall be computed, and paid in the same manner, and upon the same terms (except as to the rate of interest,) as is prescribed in the charter of the Bank of the State of Missouri, for computing and regulating interest on ordinary loans made to individuals.

§ 7. The Bank of the State of Missouri, or any of its branches, is hereby authorized to purchase the bonds that may be issued by the Governor, under the provisions of this act, and the faith of the State is hereby pledged for the payment of the debt herein authorized to be created.

This act to take effect from its passage.

APPROVED, March 14, 1845.

MARRIAGE.

AN ACT to legalize the marriage of Wesley Glazier and Trissey Glazier.

Marriage of Wesley Glazier and Trissey Martin legalized.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the marriage heretofore solemnized between Wesley Glazier and Trissey Glazier, (whose maiden name was Trissey Martin,) in the county of Decatur, is hereby declared to be a legal marriage, and is, in all courts, to be considered as such, from the time of its consummation, to all intents and purposes whatsoever.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

MESSENGER.

AN ACT to authorize the Secretary of State to employ a special messenger to carry the writ of election to Decatur county.

	SECTION.		SECTION.
Secretary of State to employ a messenger for certain purposes,	1	Governor to issue a certain writ of election,	3
Duties of said messenger and of the clerk of Decatur county, in the premises,	2	Compensation of said messenger, Auditor to draw warrant for the same on the Secretary's allowance,	4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Secretary of State is hereby authorized and required to employ a special messenger to carry a writ of election, for the election of a representative from the county of Decatur.

§ 2. The messenger so employed shall deliver said writ to the clerk of the county court of said county, who is hereby authorized and required, in case the sheriff be dead or absent, or incapable of acting, to act in the case of this election, as fully as if he were sheriff of said county.

§ 3. The Governor is hereby authorized to issue another writ of election for a member from said county.

§ 4. The messenger employed by the Secretary of State shall not receive more than six cents per mile, going and returning, and the Auditor of Public Accounts is hereby required to draw his warrant on the Treasurer for the services of said messenger, on the allowance of the Secretary of State.

This act shall take effect from its passage.

APPROVED, January 21, 1845.

MILITARY SERVICES.

AN ACT to amend an act entitled an act to provide for the payment of certain troops employed in the service of the State in the year eighteen hundred and thirty-six, approved February twenty-fifth, eighteen hundred and forty-three.

Appropriation for payment of military services in the Heatherly War.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That such further sum be, and the same is hereby appropriated, out of the military funds now in the treasury, as may be necessary to pay all persons who have not as yet received their pay, under the provisions and for the services mentioned in the act of which this is amendatory.

This act to take effect from its passage.

APPROVED, Feb. 21, 1845.

MILITARY SERVICES.

AN ACT to provide for the payment of certain troops employed in the service of the State.

SECTION.	SECTION.
Appropriation to pay Allen's mounted volunteers for services rendered, &c., in the Heatherly war	rolls, how authenticated. To be presented to the quartermaster general for allowance: if he allows them, he must certify them to the Auditor
Evidence upon which adjutant general to make out pay-rolls	Auditor to draw his warrants payable out of the Mormon and Osage fund
Adjutant general to make out pay-rolls, and file the same in the Auditor's office	Rate of compensation allowed
Claims for forage, &c., not included in the	

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sum of five thousand dollars is hereby appropriated out of the funds heretofore appropriated to defray the expenses of the Osage and Mormon disturbances, for the payment of services rendered the State by Col. Shubal Allen, the officers, musicians and privates under his command of the twenty-eighth regiment, second brigade and first division of the Missouri militia, as mounted volunteers, to suppress the indian hostilities on the northern frontier, in the year 1836, and for the payment of the expenses of forage, provisions and other expenses of the quartermaster general department in said service.

§ 2. The copies of the rolls, and the returns of the several officers engaged in said service, now on file in the office of the adjutant general of this State, or the originals, if to be found there, or in case neither the original or copies thereof can be found, then the copies of said papers, as the same are printed and found in document 106, accompanying the Senate bill number 183, as printed for the use of the twenty-sixth Congress, during the first session of that body, shall be, and each of the above sources of evidence is hereby declared sufficient evidence to authorize the adjutant general of this State to make out his pay-roll in favor of the officers, musicians, privates and others having incurred expense or performed labor, or furnished forage or provisions or any thing necessary touching the aforesaid public service.

§ 3. It shall be the duty of the adjutant general of this State, immediately after the taking effect of this act, to make out full and complete pay-rolls of the whole corps from the evidences mentioned in the last preceding section specifying the names of all the commissioned and non-commissioned officers, musicians and privates, the length of the time of service and the amount to which each shall be entitled as pay, and file the same in the office of the auditor of public accounts.

§ 4. Any person having any demand against the State for forage, provisions, or any other thing furnished to said troops, not included in the rolls or returns mentioned in the second section of this act, may present the same to the quartermaster general for allowance, the same being accompanied by the certificate upon honor of the officer procuring such article, and the quartermaster general may allow the same, or such part thereof as he may con-

sider just, and when any such allowance shall be made by him he shall certify the same to the auditor of public accounts.

§ 5. Upon the application of any officer, commissioned or non-commissioned, musician or private, as contemplated by the third section of this act, or of any other person contemplated by the fourth section of this act, whose claims shall have been allowed and certified to the auditor, by virtue of this act, it shall be the duty of the auditor of public accounts, to draw in favor of such person or his agent, his warrant on the treasurer for the same; and the treasurer shall thereupon pay the sum out of any money in the treasury appropriated to defray the expenses of the Osage and Mormon disturbances.

§ 6. The same rate of compensation shall be allowed to officers, musicians and privates, for services mentioned in this act, as was, by law, allowed for similar services in the Osage and Mormon disturbances, the term of service and rank of officers considered.

This act shall take effect and be in force from and after its passage.

APPROVED, February 27, 1845.

MILITARY SERVICES.

AN ACT *relative to the Heatherly War.*

SECTION	SECTION
Adjutant General to allow certain claims for military services, when certified to him by General David R. Atchison,	Auditor to draw his warrant on the Adjutant General's certificate,
1	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Adjutant General of the Missouri Militia shall, upon the certificate of General David R. Atchison, to him directed, setting forth the name or names of any officer, non-commissioned officer, musician or private, that served in what is called the Heatherly war, under the command of Co'l. Shubeal Allen, commanding the 28th Regiment of 2d Brigade, 1st Division, that have not been heretofore reported on the original returns of Co'l. Allen as aforesaid, allow the same, regulate the amount of pay each is entitled to, and certify the same to the Auditor of Public Accounts.

2. The Auditor of Public Accounts, upon the certificate of the Adjutant General as aforesaid, shall draw his warrant upon the Treasurer of this State for the amount of said certificate, to be paid out of the money appropriated to pay said regiment.

This act shall take effect from its passage.

APPROVED, March 27, 1845.

MILITIA.

AN ACT concerning the Paymaster of the first Regiment of Militia, in St. Louis county.

SECTION.	SECTION.
J. G. Lindell to settle his accounts as Paymaster, and pay over balance to commander of the St. Louis Legion,	Prosecuting attorney for St. Louis county to institute a suit against said Paymaster, if he fail to settle, &c.,
Duty of said Paymaster respecting said settlement,	Duties of the commander of the Legion in the premises,
1	3
2	4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Jesse G. Lindell, Paymaster of the first Regiment of Missouri Militia, in St. Louis county be, and he is hereby required to make a final settlement of his accounts and to pay over all moneys remaining in his hands as paymaster of the aforesaid first regiment, to the commanding officer of the Legion, at St. Louis.

§ 2. In the settlement required by the foregoing section, it shall be the duty of the said paymaster to present to the said commandant of the Legion a statement of all moneys received by him on account either of militia fines or from whatever other source the same may have come into his hands as paymaster as aforesaid, stating from whom received, the date of its receipt, and on what account, together with a statement of his disbursements for, or on account of the said regiment in detail, accompanied by the proper vouchers, which said statement shall be verified by the oath or affirmation of the said paymaster, before some officer duly authorized to administer the same.

§ 3. If the said paymaster shall neglect or refuse to settle or to pay over the amount of moneys in his hands as aforesaid, it shall be the duty of the prosecuting attorney for the county of St. Louis to institute suit against him and his securities on his official bond, if there be any, or on a duly certified copy thereof, in the name of the payee in said bond, to the use of the said Legion; and if the penalty of the same shall not be of sufficient amount, or the same should be otherwise unavailable, then to bring an action against him in the name of the State of Missouri, to the use of said Legion, for money had and received, or at the discretion of said attorney, to bring both actions, and in case of a suit or suits, the amount or amounts found to be due by the said Lindell or his executors, or administrators, shall bear interest at the rate of five per cent. per month, to be computed from the date of the failure, neglect or refusal to settle or pay over the amount found to be due by him until the same shall be fully paid.

§ 4. It shall be the duty of the commanding officer of the Legion, on receipt of the said moneys, to give a receipt for the same to the paymaster, and to distribute as soon as may be, the amount so received by him among the several volunteer companies of St. Louis county, including the companies composing the said Legion, in proportion to the numerical

force of each company or troop, taking from the persons duly authorized by said companies to receive the same, the proper receipt therefor.

This act to take effect from and after its passage.

APPROVED, Feb. 27, 1845.

MILITIA.

AN ACT *legalizing the proceedings of the Commandant of the 88th Regiment of the Missouri Militia.*

Proceedings of the Commandant of the 88th Regiment, legalized, and commissions to issue thereon.

WHEREAS, it is represented to the General Assembly of the State of Missouri, that the 88th Regiment of the 2nd Brigade of the 15th Division of the Missouri Militia was entirely destitute of platoon officers, and whereas the commandant of said regiment proceeded to organize the same in the winter of 1844 and '5, by posting up notices in each company bounds, of the time and place for holding an election to supply the vacancies of the necessary officers in each company, which elections were accordingly held, and the several officers elected; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the proceedings of the commandant of said regiment be and the same are hereby legalized, and that military commissions shall be issued accordingly.

This act to be in force from and after its passage.

APPROVED, March 12, 1845.

MULLINIX, SHERIFF OF ADAIR.

AN ACT *to authorize the employment of counsel to defend Preston Mullinix.*

	SECTION.		SECTION.
Governor to employ counsel to defend	1	the disputed territory,	2
Preston Mullinix,		Appropriation to carry this act into effect,	3
Said counsel to collect evidence regarding			

WHEREAS, it has been represented to this General Assembly that Preston Mullinix, sheriff of Adair county, has been arrested within the limits of this State by the sheriff of Daviess county, in the State of Iowa, and has been held to bail for his appearance before the authorities of the State of Iowa, to answer for his acts as such sheriff, performed within this State; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the Governor of this State be and he is hereby authorized and empowered to employ counsel to defend the said Preston Mullinix against any proceeding in the courts of the State of Iowa, in which he may be charged with violating the laws of Iowa, by reason of acts performed by him within the limits of this State.

§ 2. The counsel so employed shall carefully preserve upon the record of any cause he may defend, all the facts which show the right of the State of Missouri to all the territory south of the line which is claimed by her as her northern boundary line, so that the record may present the question, where the true northern boundary line of this State runs.

§ 3. The sum of five hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry into effect this act.

This act to take effect from and after its passage.

APPROVED, March 28, 1845.

NAME—CHANGE OF.

AN ACT to change the name of John Boggs.

John Boggs, his name changed to John Griffin.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the name of John Boggs, son of Ann Elizabeth Boggs, of Audrain county, State of Missouri, be and the same is hereby changed to that of John Griffin, and he shall hereafter be known by that name in law and equity.

This act to take effect from and after its passage.

APPROVED, Dec. 16, 1844.

NAME—CHANGE OF.

AN ACT to change the name of Matilda T. C. Woolfork.

Matilda T. C. Woolfork; her name changed to Matilda T. C. Henshaw.

Be it enacted by the General Assembly of the State of Missouri, as follows :

[§ 1.] That the name of Matilda T. C. Woolfork, of Clark county, State of Missouri, be and the same is hereby changed to that of Matilda T. C. Henshaw, and she shall be hereafter known by that name in law and equity.

This act to take effect from and after its passage.

APPROVED, Jan. 14, 1845.

NAME—CHANGE OF.

NAME—CHANGE OF.

AN ACT to change the name of Maria Coffee, and for other purposes.

SECTION.		SECTION	
Maria Coffee, her name changed to Maria McCoy,	1	She is declared to be sole heir of James McCoy	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the name of Maria Coffee, of Taney county in this State, be and the same is hereby changed to that of Maria McCoy, and she shall hereafter be known by that name in law and equity.

§ 2. That the said Maria McCoy be and is hereby made and declared sole heir at law of James McCoy, of said county, and the property, real, personal and mixed, of said James McCoy shall descend to and be inherited by said Maria McCoy as such heir.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 12, 1845.

NAME—CHANGE OF.

AN ACT to change the name of Mary Jane Howard, and Ferdinand, her son.

SECTION.		SECTION	
Mary Jane Howard, her name changed to Mary Jane Poore, and she is permitted to marry again	1	Ferdinand Douglas Howard, his name changed to Ferdinand Douglas Poore	2

WHEREAS, it has been represented to the General Assembly that Mary Jane Poore, of Scotland county, did, on the 3d day of April, 1843, intermarry with one Washington Howard, who represented himself as an unmarried man, although in fact he then had a wife living, and whereas said Howard, after remaining a few months with said Mary, left her, and has since married another lady, and whereas the fruit of said marriage with the said Mary has been a son; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the name of the said Mary Jane Howard be and the same is hereby changed, and she shall hereafter be known and called by the name of Mary Jane Poore, and she is hereby authorized and permitted to marry again.

§ 2. That the name of Ferdinand Douglas Howard, the son of the said Mary, be and the same is hereby changed, and he shall hereafter be known and called by the name of Ferdinand Douglas Poore.

This act to be in force from and after its passage.

APPROVED, Feb. 27, 1845.

NAME—CHANGE OF.

AN ACT *to change the name of Lucinda G. Grimes.*

Lucinda G. Grimes, her name changed to Lucinda G. Strode.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the name of Lucinda G. Grimes, of Clay county, Missouri, shall be, and the same is hereby changed and altered, and she shall be known and called, hereafter, by the name of Lucinda G. Strode.

This act to take effect from and after its passage.

APPROVED, March 17, 1845.

NOTARIES.

AN ACT *concerning notaries public and bank officers.*

	SECTION. 1		SECTION: 2
Bank clerks, over 21 years of age, may be notaries public	1	Militia officers, not disqualified to hold certain bank offices	

Whereas, by the 17th section of an act entitled "an act to charter the Bank of the State of Missouri," approved February 2, 1837, it is declared that "no person holding any office of profit or trust under the government of the United States or of this State, shall be a director or officer of the said bank," and whereas much inconvenience is experienced from the provisions of said sections, Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That nothing contained in the act above recited shall hereafter be so construed as to prevent any of the clerks of the bank of the State of Missouri or its branches, over the age of twenty-one years, from holding the office of notary public, and exercising all the functions properly pertaining to said office and receiving the same fees for their services as other notaries public.

§ 2. The seventeenth section of the above recited act shall not be so construed as to disqualify militia officers from being president or a director of the bank of the State of Missouri or either of its branches.

This act to take effect and be in force from and after its passage.

APPROVED, March 17, 1845.

PENITENTIARY.

AN ACT supplementary to an act to lease the penitentiary.

SECTION.	SECTION.
The Governor may receive and approve the bond of any successors or sub-lessees of the penitentiary, under Brown and Rich-	mond Said sub-lessees subject to the same liabilities as the original lessees
	1-2 3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The governor is hereby authorized and impowered to receive and approve a bond with the necessary securities from Thomas L. Price, John L. Blain, William Tompkins and James Brown in the same manner in all respects as if the bond were executed by Ezra Richmond and James Brown, as provided in the act to which this act is supplementary.

§ 2. Should other persons than those mentioned in the next preceding section become sub-lessees at any time prior to the expiration of the lease provided for in the act to which this act is supplementary, the governor is hereby authorized to receive and approve bonds from such persons in like manner as is required in receiving and approving bonds of the original lessees in the act to which this act is supplementary.

§ 3. Thomas L. Price, John L. Blain, William Tompkins and James Brown, and each and every person who may become a sub-lessee, as authorized by the act to which this is supplementary, shall be subject to all the liabilities and responsibilities, in every respect, as were imposed on the original lessees by the act to which this act is supplementary.

This act shall take effect and be in force from and after its passage.

APPROVED, March 26, 1845.

RELIEF.

AN ACT for the relief of the collector of Perry county.

Henry Caho, collector of Perry, by immediately paying the revenue for 1843, to be released from all penalties.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. If Henry Caho, collector for the county of Perry, shall immediately pay into the State treasury the balance of the principal of the revenue due the State from said county, for the year eighteen hundred and forty-three, the auditor of public accounts is hereby authorized and required to settle with said collector, without charging him any per centum or penalty whatever, but shall allow him mileage and his per centum in all respects as if he had settled and paid over the amount due the State, from said county, at or before the time prescribed by law.

§ 2. This act to take effect from its passage.

APPROVED, Dec. 4, 1844.

RELIEF.

AN ACT for the relief of Russel W. Moss, late sheriff of Shelby county.

\$40 allowed Russel W. Moss, out of State Treasury.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the auditor of public accounts be, and he is hereby authorized to draw his warrant on the treasurer, in favor of Russell W. Moss, late sheriff of Shelby county, for the sum of forty dollars in full, for his services for taking the census in the year eighteen hundred and forty, to be paid out of the appropriation for taking the census.

This act to take effect and be in force from and after its passage.

APPROVED, Dec. 19, 1844.

RELIEF.

[AN ACT for the relief of Abraham Fenly, jr.]*

\$28 68 $\frac{3}{4}$ allowed Abraham Fenly out of the State Treasury.

Whereas, at a court of inquiry and court martial held at the town of Bollivar, in Polk county, Missouri, for the purpose of inquiring into the conduct of, and trying Nathan Rains, major of the 2nd battalion, 47th regiment, 2nd brigade, 7th division, M. M., on a charge of improper conduct in office, the presidents of said courts allowed to Abraham Fenly, jr., the sum of ninety dollars for his services as Judge Advocate special of said courts, which accounts so examined and allowed as aforesaid, were certified to the Auditor of Public Accounts for payment, according to the military law in such cases made and provided; said accounts having been presented to the Auditor for payment, were by him docked the sum of sixty dollars: Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts be and he is hereby authorized and required to draw a warrant or warrants on the Treasurer of the State of Missouri, in favor of said Abraham Fenly, for the said sum of twenty-eight dollars and sixty-eight and three fourth cents, to be paid out of the money appropriated for the pay of contingent expenses of the militia.

This act shall take effect and be in force from and after its passage.

APPROVED Dec. 19th, 1844.

(*This title has been supplied by the Secretary of State, as the original roll had none.)

RELIEF.

AN ACT for the relief of Thornton Grimsley, William Carr Lane, and Thomas H. West.

Thornton Grimsley, William Carr Lane, and Thomas H. West, on payment of certain costs of suit, to be released from certain penalties.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Thornton Grimsley, William Carr Lane, and Thomas H. West be, and they are hereby released, on the payment of all the costs of suit, from the payment of the penalty of three per cent. per month adjudged against them in favor of the State of Missouri, by the probate court of the county of St. Louis, at their term continued and held on the twenty-fourth day of June, eighteen hundred and forty-one, on the sum of sixteen hundred and ninety-two dollars and ninety-seven cents, money then in the hands of said Grimsley as administrator of the estate of Philip Harman, deceased, which judgment was affirmed by the circuit court of said county of St. Louis, at their term continued and held on the sixth day of June, eighteen hundred and forty three.

This act to take effect from its passage.

APPROVED, Dec. 19, 1844.

RELIEF.

AN ACT for the relief of William Sitton, late collector of Lincoln county.

	SECTION.		SECTION.
\$93 33, allowed out of the State Treasury		coln county,	1
to William Sitton, late collector of Lin-		Act to take effect from its passage,	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer, in favor of William Sitton, for the sum of ninety-three dollars and thirty-three cents, being the amount of a penalty incurred by said Sitton for the non-payment of a portion of the revenue of said county for the year eighteen hundred and forty-two, and that the said amount be paid by the said treasurer out of any money in the treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

APPROVED, Jan'y 3, 1845.

RELIEF.

AN ACT *for the relief of William Thrailkill.*

SECTION.	SECTION.
Auditor to allow Wm. Thrailkill, collector of Grundy, his commissions for the year 1843,	\$31 50 allowed said Thrailkill, for a certain bill of costs,
1	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby required to allow William Thrailkill his commission as collector of Grundy county, for collecting the revenue of said county, for the year eighteen hundred and forty-three.

§ 2. The Auditor is further required to draw his warrant upon the State Treasurer, for the sum of thirty-one dollars fifty cents, in favor of said Thrailkill for a bill of costs incurred by the State, in the case of the State against John Harris, upon indictment for perjury, in the Grundy circuit court, which bill has been approved by Judge Clark, and B. F. Stringfellow, circuit attorney.

This act to take effect from and after its passage.

APPROVED, January 4, 1845.

RELIEF.

AN ACT *for the relief of John C. Roberts, and others.*

County Court of Andrew to pay a certain surveyor, and chain carriers, out of the Three per cent. fund.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of the county of Andrew, is hereby authorized and required to pay the surveyor and chain carriers employed by the commissioners to view and mark out a State road from Robideaux landing by way of Savannah and Oregon, to the Northern boundary of the State, for their services in surveying said road through Andrew county, as follows: John C. Roberts, surveyor, two dollars per day, and each chain carrier one dollar per day, to be paid out of the Three per cent. fund.

This act to be in force from and after its passage.

APPROVED, January 8, 1845.

RELIEF.

AN ACT for the benefit of the minor heirs of Thomas Wright, deceased late of St. Louis county.

The guardian of the minor heirs of Thomas Wright, deceased, may, under certain conditions, lease certain real estate.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the guardian or guardians of the minor heirs of Thomas Wright, deceased, late of the county of St. Louis, be and they are hereby authorized to lease any portion, or all of the real estate belonging to said heirs, for any term of years which, in the judgment of such guardian or guardians, may prove beneficial to the said heirs: *Provided*, that the particular portion of said real estate, set apart by partition to either of said heirs, shall not be leased for a term extending beyond the period at which the owner will arrive at the age of twenty-one years.

This act shall take effect from and after its passage.

APPROVED, January 8, 1845.

RELIEF.

AN ACT to authorize the Auditor of Public Accounts to draw a warrant in favor of the clerk of the Barry circuit court.

\$53 74, allowed the clerk of Barry circuit court, for certain bill of costs.

Whereas, it is represented to the General Assembly, that in two prosecutions which originated in Barry county against Shadrach and Meshach Scaggs, in the year eighteen hundred and thirty-eight, for an attempt to commit a rape, the costs were adjudged against the State of Missouri, and that the bill of costs were not presented to the Auditor until the same were barred by the statute of limitations, and that said costs have never been paid; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the Auditor of Public Accounts is hereby authorized to draw a warrant on the Treasurer of the State of Missouri, in favor of the clerk of the Barry circuit court, for fifty-three dollars seventy-four cents, the amount of said bills of costs, whenever the same are presented duly certified.

This act to take effect from and after its passage.

APPROVED, January 8, 1845.

RELIEF.

AN ACT to authorize Thomas J. Lockridge to sell real estate upon certain conditions.

SECTION.
County court of Jackson county to appoint
commissioners to appraise the property of
T. J. Lockridge, and may authorize a sale

of the same
SECTION.
Effect of a deed, executed under said sale 1
2

Whereas, it has been represented to this General Assembly, that Jones Lockridge, deceased, who died in Jackson county, in the State of Missouri, left certain real estate, lying in said county, to his heirs and legal representatives, and that upon a petition to the circuit court of Jackson county, aforesaid, there has been a partition of said real estate amongst the legal heirs and representatives of said Jones Lockridge, deceased, and that upon said partition there was allotted to Rachael Lockridge, the widow and relict of the said Jones Lockridge, deceased, as her dower in said real estate, the north-west quarter of section number fifteen, of township number forty-nine, in range number thirty-three, containing one hundred and sixty acres, and there was allotted to Thomas J. Lockridge, a son of the said Jones and Rachael Lockridge, who is now a minor under the age of twenty-one years, as his absolute property, seventy-two acres of said real estate, described and bounded as follows: beginning at a point at the north-east corner of the south-west quarter of section number ten, of township number forty-nine, in range number thirty-three, and running thence due south thirty-six chains, thence due west eighty chains, thence due north thirty-six chains, thence east eighty chains to the place of beginning; and whereas, it has been represented that a sale of said real estate belonging to said minor, and of the resulting interest of said minor in and to the said real estate, assigned as dower to his mother, Rachael Lockridge, would be of advantage to said minor and would promote his interest; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county court of Jackson county is hereby authorized and empowered to appoint three disinterested persons, as commissioners, whose duty it shall be to appraise the above named real estate belonging to said minor, and also the resulting interest of said minor in and to the said real estate assigned to the said Rachael Lockridge as her dower, and to report to said county court, and if it shall appear to said county court that it would be of material advantage to said minor that the same should be sold, they may authorize the lawful guardian of said minor to join with the said minor, Thomas J. Lockridge, in making a deed to any person who may purchase the same; provided said sale shall be made on such terms as the court may approve, and said deed shall be acknowledged by said guardian and minor before the clerk of the Jackson county court in like manner as other deeds.

§ 2. That said conveyance, when duly acknowledged, shall have the effect

to divest all the right and title in and to said real estate of the said Thomas J. Lockridge, and all of his resulting interest in the dower assigned to his mother, and transfer to the purchaser or purchasers of the same, in like manner and with like legal effect, and shall forever bar any claim which he may hereafter set up, by reason of his non-age, as effectually as if he had been twenty-one years of age at the time of executing the same.

This act to be in force from and after its passage.

APPROVED, Jan. 14, 1845.

RELIEF.

AN ACT for the relief of Benjamin J. Brown, late collector of Ray county.

B. J. Brown, late collector of Ray, released from certain penalties.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the auditor of public accounts is hereby authorized and required to remit any penalties which may have been incurred by Benjamin J. Brown, late collector of Ray county, for having failed to pay in the revenue for the year eighteen hundred and forty-two, as required by law.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 14, 1845.

RELIEF.

AN ACT for the relief of Samuel Musgrove, collector of Clark county.

S. Musgrove, collector of Clark county for 1844, released from certain penalties under certain conditions.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Auditor of public accounts is hereby authorized and required to settle with Samuel Musgrove, collector of Clark county, Missouri, for the year eighteen hundred and forty-four, and release him from all liabilities and penalties incurred in consequence of settlement and payment not having been made according to law; provided said collector make full payment of the revenue due from said county by the fifteenth day of January, eighteen hundred and forty-five.

This act shall take effect and be in force from and after its passage.

APPROVED, Jan. 14, 1845.

RELIEF.

AN ACT for the relief of the heirs of Samuel Lackey, deceased.

SECTION.	SECTION.
Guardian of the minor heirs of S. Lackey, deceased, may sell certain real estate under certain conditions and terms. County court of Clay to appoint appraisers.	Said guardian may remove to Kentucky the proceeds of said sale. 2
1	Duty of said county court and of said guardian in the premises. 3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the minor heirs of the said Samuel Lackey, deceased, by their guardian or guardians, are hereby authorized and empowered to sell and convey in fee simple, the tract of land lying in Clay county, State of Missouri, known and described as the south-east quarter of section thirty-five, of township fifty-one, of range thirty-three, containing one hundred and sixty acres, be the same more or less, on such terms as shall meet the approbation of the county court of Clay county; said county court shall appoint three appraisers, who shall appraise the same, and said land shall not be sold for a less sum than that to which it shall be appraised, by such appraisers.

§ 2. The guardian or guardians of the aforesaid minor children, of the said Samuel Lackey, deceased, are hereby authorized and empowered to receive and remove from this State, the proceeds of the real estate, sold under this act, to the State of Kentucky, where the said heirs now reside.

§ 3. It shall be the duty of the county court to require such guardian or guardians, to file in the office of the clerk of the county court of Clay county, a proper certificate of the appointment of such guardian or guardians, and to take from said guardians, additional security, in double the value of the real estate to be sold under this act, conditioned as other bonds of guardians and curators, and after such sale, the guardians shall make report of their proceedings to the county court of Clay county, under oath; the bond required to be executed by this act, shall be executed to the State of Missouri; shall be signed by at least two good securities, residents of this State, and shall be approved by the county court of Clay county or the clerk thereof in vacation.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 14, 1845.

RELIEF.

AN ACT for the relief of William Thrailkill, Collector of Grundy county.

Wm. Thrailkill, collector of Grundy for 1844, released from certain penalties under certain conditions.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That William Thrailkill, collector of the county of Grundy, be exempted from any penalty or liability, which he may have incurred by law, by failing to settle with the Auditor of Public Accounts as collector, as aforesaid, for the year eighteen hundred and forty-four; Provided said Thrailkill shall settle with the Auditor of Public Accounts, and pay into the treasury of the State, all the revenue due from him as said collector, for said county aforesaid, for said year of eighteen hundred and forty-four, on or before the eighth day of January eighteen hundred and forty-five.

This act shall take effect and be in force from and after its passage.

APPROVED, Jan. 14, 1845.

RELIEF.

AN ACT for the relief of the collectors of the Revenue:

Collectors allowed until 1st February, 1845, to settle with Auditor,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Until the first day of February, in the year eighteen hundred and forty-five, the Auditor of Public Accounts shall make his settlements with the several collectors of the revenue within this State—shall make them the same allowance, and in all respects settle with them as though such settlement had been made within the time now prescribed by law.

This act to take effect from its passage.

APPROVED, January 14, 1845.

RELIEF.

AN ACT for the relief of Francis Parker, clerk of the circuit court of Lincoln county.

\$280 29 allowed out of the State treasury, to Francis Parker, for a certain bill of costs. § 1

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the treasury, in favor of Francis Parker, clerk of the circuit court of Lincoln county, for the sum of two hundred and eighty dollars and twenty-nine cents, being the amount of costs taxed in the case

of the State of Missouri, against Philemon Plummer, indicted for manslaughter, and convicted in the circuit court of Lincoln county.

This act to take effect from and after its passage.

APPROVED, Jan. 17, 1845.

RELIEF.

AN ACT for the relief of Nathaniel Harmon.

Nathaniel Harmon may, under certain conditions, sell certain goods, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Nathaniel Harmon, who is an invalid person, resident of Warren county, Missouri, is hereby authorized to sell dry goods and groceries, at any one place in said county, until his disability is removed, and that he shall at no time, employ a capital stock of more than three hundred dollars, and that he shall not enter into any copartnership with any person; *Provided*, he shall not retail wines or spirituous liquors.

This act to take effect from and after its passage.

APPROVED, January 22, 1845.

RELIEF.

AN ACT for the benefit of John Harbison.

SECTION		SECTION	
John Harbison, collector of Scott for 1842,	1	and commissions for 1842-3	2
released from certain penalties		Distress warrant, against said Harbison, re-	
Said Harbison allowed his delinquent lists		called; but mileage not allowed for 1842.	3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The auditor of public accounts is hereby authorized and required to settle with John Harbison, collector of Scott county for the year one thousand eight hundred and forty-two, without charging him the penalty imposed on him in failing to pay into the treasury the revenue of said county for the year one thousand eight hundred and forty-two, according to law.

§ 2. The said Harbison be allowed his delinquent lists, properly authenticated, for the years one thousand eight hundred and forty-two and one thousand eight hundred and forty-three, together with his commission.

§ 3. The auditor is authorized to recall the distress warrant issued against said Harbison for the revenue of one thousand eight hundred and forty-two, provided said Harbison shall pay all costs on the same, and make settlement

and pay into the treasury all the revenue of said county for the years eighteen hundred and forty-two and three, on or before the first day of February, one thousand eight hundred and forty-five, provided, however, said collector shall not be allowed mileage for paying in the revenue of eighteen hundred and forty-two.

This act to take effect from its passage.

APPROVED Jan. 24, 1845.

RELIEF.

AN ACT for the relief of Joel H. Haden.

\$30 37½ allowed Joel H. Haden, out of the State treasury.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer, in favor of Joel H. Haden, for the sum of thirty dollars and thirty-seven and a half cents, in full payment for eighty-one township plats furnished the commissioner appointed to select certain lands in the south-western land district, in the year 1842, to be paid out of the State internal improvement fund.

This act to take effect from its passage.

APPROVED Jan. 24, 1845.

RELIEF.

*[AN ACT for the benefit of Abraham Brown.] **

Abraham Brown, to have the exclusive privilege of entering a certain tract of land, at the Land Office at Plattsburg.

WHEREAS, it is represented to this General Assembly, that one Abraham Brown, of the county of Holt, did (at the land office at Plattsburg) on the 5th day of December, 1843, enter in good faith, and pay for the north-east fractional quarter of section No. 26, in township 59, of range 37, containing 37 acres more or less; and whereas, it is further represented that several months after said entry, the said Brown was informed by the land officers, at Plattsburg, that previous to the entry of the said Brown, the land had become the property of the State of Missouri, by having been selected by the commissioner appointed by the Governor, to select the balance of the un-

* The title of this act is supplied by the Secretary of State, there being none in the original roll.

selected land, granted to this State by act of Congress, approved September 4th, 1841; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That if Abraham Brown, shall within thirty days after the opening of the proper State land office, produce to the register and receiver thereof, the duplicate of the receiver of public money, at the land office at Plattsburg, (bearing date December 5th, 1843) for the north-east fractional quarter of section twenty-six, township fifty-nine, range thirty-seven, then and in that case, the said Abraham Brown, shall be, to the exclusion of all others, entitled to enter the same at one dollar and twenty-five cents per acre.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 27, 1845.

RELIEF.

AN ACT for the benefit of the estate of James Keyte, deceased.

	SECTION.		SECTION.
Administrators of the estate of James Keyte, may sell and convey certain real estate.		When credit is given, bond and security to be taken.	4
Said administrators may lay off certain lands into town lots.	1	Administrators to make deeds.	5
Manner and terms of sale.	2	Powers, &c. granted to said administrators, to extend to their successors, &c.	6
	3		

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Frederick W. Hix, administrator, and Eliza Keyte, administratrix, of the estate of James Keyte, late of Chariton county, in the State of Missouri, be and they are hereby authorized and empowered to sell and convey all, or any any part of the real estate, to which said James Keyte was entitled at the time of his death, and which may be included within the limits of, or adjoining to the town of Brunswick, in said county of Chariton.

§ 2. The administrator and administratrix aforesaid, are hereby authorized and empowered to lay off all, or any portion of said lands into town lots, in the same manner and with like effect, as the same could have been done by the said James Keyte, in his life time.

§ 3. All sales of land and town lots, made in pursuance of the foregoing provisions, shall be for cash in hand, or upon a credit of not more than one year, and may be either private or publicly [sold] by auction, to the highest bidder, as in the opinion of said administrator and administratrix, shall seem more advantageous to said estate.

§ 4. When such sales shall be on credit, the purchaser shall give bond bearing interest at the rate of ten per centum per annum, from its date, with good and sufficient security, to be approved by said administrator and administratrix.

§ 5. The administrator and administratrix aforesaid, be and they are hereby empowered and required, whenever the purchase money and all interest which may be due thereon, is fully paid, to make to the purchaser a deed, conveying in fee simple, all the right, title and interest, which the said James Keyte, had at the time of his death, in and to the land or town lot sold as aforesaid, which said deed shall be acknowledged and recorded, in the same manner and with like effect as other deeds for the conveyance of land.

§ 6. All the powers herein granted to the said administrator and administratrix, in the event of the death, resignation or removal of either of them, shall vest in the surviving or remaining administratrix, or administrator, and in the event of the death, resignation, or removal of both said administrator and administratrix, shall then vest in the person, to whom by law, the care, custody and management of said estate shall be committed.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 27, 1845.

RELIEF.

AN ACT for the relief of W. D. Murphy and J. W. McClurg.

SECTION.	SECTION.
The county court of Wright county may lease certain school lands to Murphy & McClurg.	1 Terms of said lease. Rent how to be applied. 2 3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1 The county court of Wright county, are hereby authorized and empowered, upon the petition of a majority of the inhabitants of township twenty-nine, in range seventeen, west, to lease to Wm. D. Murphy, and Joseph W. McClurg, for the term of ten years, such portion of the sixteenth section, including the furnace and improvements erected by said Murphy and McClurg, as to them shall seem proper and necessary for the prosecution of the business of mining and smelting, by said Murphy and McClurg.

§ 2. Said Murphy and McClurg shall enter into bond, with security, to be approved by the county court of said county, conditioned that they will pay to the said county, one dollar for every thousand pounds of mineral raised on the ground so rented, a statement of the amount of which, on oath, shall be rendered by said Murphy, or said McClurg, on the first day of January in each year.

§ 3. The amount of rent required to be paid by this act shall be for the proper use and benefit of the inhabitants of the aforesaid township.

This act shall take effect from and after its passage.

APPROVED, Jan. 27, 1845.

RELIEF.

AN ACT for the relief of Benjamin F. Nunnally, late collector of Crawford county.

B. F. Nunnally, late collector of Crawford, allowed \$155 78, and released from certain penalties.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The auditor of public accounts be, and he is hereby authorized and required, to draw his warrant on the State treasurer, for the sum of one hundred and fifty-five dollars and seventy-eight cents, in favor of Benjamin F. Nunnally, late collector of Crawford county, it being the amount of his fees for collecting and paying over the revenue of Crawford county, for the years eighteen hundred and forty-two, and eighteen hundred and forty-three, and amount of penalties imposed by the auditor of public accounts, for failure on the part of said Nunnally, to make payment of said revenue, in the time prescribed by law, to be paid out of any money in the treasury, not otherwise appropriated.

§ 2. This act to be in force from and after its passage.

APPROVED, Jan. 27, 1845.

RELIEF.

AN ACT for the relief of certain purchasers of Saline Lands.

SECTION.	SECTION
Auditor to issue his warrant in favor of second purchasers of Saline Lands which have been twice sold by the State,	deed of release in favor of first purchaser, 2 Any member of a company may, under certain conditions, receive the amount
Second purchasers to file with Auditor a	to be reimbursed, 3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That whenever it shall satisfactorily appear to the Auditor of Public Accounts that any portion of the reserved lands of this State have been twice or oftener sold for the benefit of the State, he shall issue his warrant on the Treasurer in favor of the individual or individuals, or their legal representatives, making such second purchase, on his or their application, for the amount of money paid into the Treasury by such purchaser or purchasers.

§ 2. That the person or persons making such second purchase, before the amount thereof shall be refunded to them, shall execute and file with the Register of Public Lands, a deed of release in favor of the first purchaser or purchasers.

§ 3. That when any portion of the reserved lands aforesaid, shall have been purchased by a company or companies of individuals, any member of said company or companies who have made the second purchase, shall

be entitled to apply for and receive the amount which may have been paid into the State Treasury for such second purchase: Provided, that the individual applying for and receiving the same, shall first execute a bond to the State of Missouri, with good and sufficient security, conditioned to pay to the other members of said company or companies, or their legal representatives, such portion thereof as they may be legally entitled to.

This act shall take effect from the passage thereof.

APPROVED, Jan. 31, 1845.

AN ACT for the relief of J. T. Quesenberry.

\$13.50, allowed J. T. Quesenberry, out of the State treasury.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasury, in favor of J. T. Quesenberry, for the sum of thirteen dollars and fifty cents, for printing the rules of the House.

This act to take effect from and after its passage.

APPROVED Jan. 31, 1845.

RELIEF.

AN ACT for the relief of Ferdinand Kennett.

SECTION. 1 Auditor to issue certain duplicate warrants in favor of J. S. Matthews and F. Kennett, under certain conditions	SECTION. 2 Auditor to certify the numbers, &c., of the duplicate warrants to the treasurer, who shall not pay the original warrants
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Whereas, it appears to this General Assembly that the auditor of public accounts of this State issued warrants as follows, to wit:

June 29th, 1844, no. 294, to John S. Matthews for	\$92.57
" 29th, 1844, no. 295, " " " " " "	23.60
July 22, 1844, no. 337, " " " " " "	80.36
August 13, 1844, no. 353, " F. Kennett	12.15
" 13, 1844, no. 354, " " " " " "	12.25

\$220.93

And whereas, it further appears that the said warrants were, on the night of the 11th day of September, 1844, stolen from the possession of the said Ferdinand Kennett, and have never been paid by the treasury, for remedy whereof,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the auditor of public accounts is hereby required to issue, in favor of John S. Matthews and Ferdinand Kennett, duplicate warrants upon the treasury of this State, corresponding in number, amount and date with those above described, and deliver the same to Ferdinand Kennett; Provided, that said Ferdinand Kennett enter into bond with security, to be approved by the auditor, in double the amount of said warrants conditioned to indemnify the State against the warrants stolen as aforesaid.

§ 2. That, when the auditor issues the duplicate warrants, as required in this act, he shall certify the amount, number and date of the said warrants to the treasurer, together with the fact of their being duplicates, and the treasurer is hereby required to take notice of the same and to avoid the payment of said original warrants should they be presented by any person.

This act to take effect from and after its passage.

APPROVED, Jan. 31, 1845.

RELIEF.

AN ACT for the relief of the collector of Scott county.

Thomas W. Shaw, collector of Scott for 1844, released from certain penalties—certain allowances made.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That if Thomas W. Shaw, collector of the revenue of Scott county, shall pay into the State treasury the revenue with which he stands charged, on or before the first day of April next, he shall be wholly released from the payment of all forfeitures, fines and penalties to which he may be liable for not paying into the State treasury the revenue of Scott county, for the year 1844, according to law; and upon payment being made, as aforesaid, the said collector shall receive the same commission for collecting said revenue and shall be allowed the same credits which are allowed collectors of the revenue who comply with the law now in force, for collecting and paying into the treasury the revenue of the State, any law to the contrary notwithstanding.

This act to take effect and be force from and after its passage.

APPROVED, January 31, 1845.

RELIEF.

AN ACT for the relief of John A. Dougherty, and others.

County court of Carroll may, under certain conditions, annul the sale of certain school lands; to Obadiah Cook.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county court of Carroll county, are hereby authorized, with the consent of a majority of the inhabitants of congressional township number fifty-four, (54) and range twenty-four, (24) and with the consent of Obadiah Cook, a purchaser of part of the school land of said township; and upon the surrender by said Cook, or his assignee, of the certificate or certificates given him, by the sheriff of said county, upon the sale of said land, to rescind, by the order of said court, the sale or sales made to said Cook, of such school land, and to surrender all securities taken for the purchase money, which order, when made in conformity with this act, shall have the effect of annulling and avoiding such purchases of said Cook.

APPROVED, Feb. 1, 1845.

RELIEF.

AN ACT to repeal an act for the benefit of Joseph Howdeshell, Jr., approved February 22, 1843.

A certain act for the benefit of Joseph Howdeshell, repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That an act entitled "An act for the benefit of Joseph Howdeshell, Jr., approved February 22d, 1843," be and the same is hereby repealed.

This act to be in force and take effect from and after its passage.

APPROVED, Feb. 1, 1845.

RELIEF.

AN ACT for the benefit of Thomas H. Loyd.

SECTION.		SECTION.	
Thomas H. Loyd to receive a pension of	1	and make affidavit to certain matters	2
one hundred dollars		Said Loyd's identity, how ascertained	3
Physicians annually to examine said Loyd,		Auditor's duties in the premises	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Thomas H. Loyd, of Ray county, shall receive the sum of one hundred dollars annually, on the first day of May in each year, so long as he shall continue unable, by reason of wounds received in the Mormon war, to make a support by manual labor.

§ 2. He shall immediately, before the first of May in each year, undergo an examination before two respectable regular practising physicians of

the county in which he may reside, touching his inability to procure a support by manual labor; and such physicians shall make their affidavit that said Thomas H. Loyd is unable with industry to secure a support by manual labor, or other ordinary means, and that such inability proceeds from wounds received in battle.

§ 3. He shall also immediately, before the first of May in each year, procure the affidavits of two respectable citizens of the county in which he may reside, at least, as to identity.

§ 4. When the auditor of public accounts shall be satisfied, by the affidavits of such physicians, of the continued inability of the applicant to procure a support by ordinary manual labor, arising from his wounds, and as to his identity, from the affidavits of others, he shall draw his warrant in favor of said Thomas H. Loyd for the sum of one hundred dollars, at the time aforesaid, which shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, Feb. 1, 1845.

RELIEF.

AN ACT for the relief of the collector of Shannon county for the year eighteen hundred and forty-one.

A. W. McFarland, collector of Shannon for 1841, may collect for his own use certain unpaid revenue for said year.

WHEREAS, A. McFarland, collector of Shannon county for the year eighteen hundred and forty-one, has advanced and paid into the State treasury the revenue of said year, and closed his account with the auditor of public accounts; and whereas, a balance of the revenue remains due and owing from divers citizens of said county, uncollected by said collector; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the said A. McFarland, collector of the county of Shannon, for the year eighteen hundred and forty-one, be authorized, and he is hereby empowered to collect the revenue of said county, not heretofore collected, and due from said citizens for the year eighteen hundred and forty-one, in the same manner as if he had [had] not paid the same into the State treasury, and that all the benefits of the laws authorizing the collector [collection] of the same for said year, be extended to him to enable him to collect the same.

This act to take effect from and after its passage.

APPROVED, Feb. 4, 1845.

AN ACT for the relief of Jefferson County.

Certain acts of the county court of Jefferson, respecting the rate of taxation for the year 1844, legalized.

WHEREAS, the assessor of Jefferson county, State of Missouri, did assess the assessable property for the year 1843, in said county, at the increased rate of *one-sixth* of one per centum, as provided by law, approved the 28th of February, 1843, making the tax of said year bear on the inhabitants of Jefferson county in an unequal proportion to the other counties of the State; and whereas, the county court of Jefferson county, believing there should be a corresponding reduction, ordered the tax-books of the year 1844 to be made out [at] the rate of one-eighth of one per centum; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the proceedings of the county court of Jefferson county, in affixing the rate of per centum on the taxable property of said county, for the year 1844, at the rate of one-eighth of one per centum, be, and the same are hereby legalized.

This act to take effect from and after its passage.

APPROVED, Feb. 6, 1845.

RELIEF.

AN ACT for the relief of William Anderson.

William Anderson, collector of Lafayette, released from certain penalties.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That William Anderson, collector of the county of Lafayette, be, and he is hereby exempted from the penalties which, by law, he has or may incur by failing to make settlement, as such collector aforesaid, with the auditor of public accounts, for the year eighteen hundred and forty-four, within the time prescribed by law; *Provided*, he shall settle with the auditor and fully pay into the State treasury, as collector, the amount of taxes due the State from the said county of Lafayette, on or before the tenth day of February, 1845.

This act shall take effect from its passage.

APPROVED, Feb. 8, 1845.

RELIEF.

AN ACT for the relief of Isaac N. Ebey, collector of Adair county.

SECTION.	SECTION.
Auditor to settle with I. N. Ebey, collector of Adair for the year 1843, and to allow his commissions, &c. 1	Said Ebey released from certain penalties Auditor to recall any distress-warrant issued against said Ebey 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts be and he is hereby required to settle with Isaac N. Ebey, collector of Adair county for the year 1843, and to allow him his commission and mileage, as if said collector had made his settlement within the time prescribed by law.

§ 2. The said Isaac N. Ebey is hereby released from any penalty or forfeiture which he may have incurred by reason of his failure to settle with the Auditor of Public Accounts the revenue of said county for the year 1843.

§ 3. If the Auditor of Public Accounts shall have issued a warrant of distress against the said collector and his securities, on account of his failure to settle the revenue aforesaid, he is hereby required to order said warrant to be returned without execution. *Provided*, that said collector shall make settlement as specified in the first section of this act.

This act to be in force from and after its passage.

APPROVED, Feb. 12, 1845.

RELIEF.

AN ACT for the relief of the Clerk of Miller County.

SECTION	SECTION
Clerk of Miller circuit and county courts may remove his office a certain distance, 1	at his own cost Certain acts modified 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Clerk of the circuit and county court within and for the county of Miller, be authorized and have the liberty of keeping his office at any convenient place within the distance of four hundred yards of the court house or place of holding court in said county of Miller; *Provided* that the said clerk shall not be allowed to charge the county with any expense for erecting or repairing any house or building for to keep his office in, but if he moves it, to be at all the expense attending the same.

§ 2. All acts and parts of acts inconsistent with this act, are hereby repealed, so far as the county of Miller is concerned.

This act to take effect from and after its passage.

APPROVED Feb. 12, 1845.

RELIEF.

AN ACT for the relief of Benjamin Thorp, a free man of color.

Benjamin Thorp, a free man of color, permitted, on certain conditions, to reside in Jackson County.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That if Benjamin Thorp, a free man of color, of Jackson county, shall, on or before the first day of May next, enter into bond with good and sufficient security, in the clerk's office in Jackson county, in the sum of at least five hundred dollars, payable to the State of Missouri, conditioned that said Benjamin Thorp shall not violate the law in force in this State, in regard to free negroes and mulattoes, who are permitted to reside in this State, and that said Benjamin Thorp shall not at any time become a charge to any county in this State, then, and in that case, it shall be lawful for the clerk of the county court of Jackson county to grant a permission to said Benjamin Thorp to reside in Jackson county, and it shall be lawful for him, the said Benjamin Thorp, to reside in the same, any law to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 13, 1845.

RELIEF.

AN ACT for the relief of Gideon P. Wyatt.

Gideon P. Wyatt, collector of Gasconade, released from certain penalties.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That all fines, forfeitures and penalties incurred by Gideon P. Wyatt, collector of Gasconade county, in consequence of his failure to pay into the State treasury the balance of the revenue of Gasconade county, for the year eighteen hundred and forty-four, are hereby remitted; provided that he shall pay the whole amount due on or before the eleventh day of February, instant.

This act to take effect from its passage.

APPROVED, Feb. 13, 1845.

RELIEF.

AN ACT for the benefit of James Love.

James Love, Collector of New Madrid, released from certain penalties, and allowed certain commissions, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. If James Love, collector of New Madrid county, shall settle with the Auditor, and pay into the treasury the full amount of the revenue of said county, for which he is or may be accountable, on or before the first day of May next, then the Auditor shall settle with him, and pay him his mileage and commissions, and shall not exact from him the penalties or forfeitures imposed by law for a failure to pay in the revenue at the proper time.

This act to take effect from its passage.

APPROVED, Feb. 14, 1845.

RELIEF.

AN ACT for the relief of A. A. Laforge.

SECTION.	SECTION.
Register of Lands to receive of A. A. Laforge, collector of New Madrid, for 1842—43, his delinquent lists, and grant certain certificates,	Auditor to receive certain certificates and credit the said Laforge with the same, 2 Said Laforge released from liability, by making settlement, 3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Register of Lands is hereby directed to receive from A. A. Laforge, collector of New Madrid county, for the years eighteen hundred and forty-two and eighteen hundred and forty-three, his delinquent lists of lands, respectively, and grant him a certificate for the amount of the State tax due on each, as if the same had been presented at his office at the times prescribed by law.

§ 2. And the Auditor of Public Accounts is hereby directed to receive said certificates, as also the certificates of personal delinquents for said years, as certified by the county court of New Madrid county, and place the same to the credit of said Laforge, on the books of his office.

§ 3. If the said Laforge shall, on or before the first day of March next, pay the balance due from him as collector aforesaid, into the State treasury, then the Auditor of Public Accounts shall settle his account as though he had made settlement at the time prescribed by law.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 14, 1845.

RELIEF.

AN ACT for the relief of the heirs of Daniel Clare.

SECTION.	SECTION.
Francis Clare empowered to execute a	deed to the purchaser of a certain tract

of land, to be sold by him as executor,	1	Francis Clare, and recorded as other	
Said deed to be acknowledged by said		deeds are,	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That whenever Francis Clare, as executor of the last will and testament of Daniel Clare, late of Lincoln county, in the State of Missouri, shall, in accordance with the provisions of said will, which bears date August 20th, A. D., 1843, sell a certain tract of land situated in said county, containing two hundred and eighty-three acres, more or less, and being the tract of land on which the said Daniel Clare resided up to the time of his death; the said Francis Clare be and [he] is hereby authorized and empowered to execute, as such executor, a deed conveying to the purchaser of said tract of land, all the right, title and interest which the said Daniel Clare had in and to said tract of land at the time of his death.

§ 2. Such deed shall be acknowledged by said Francis Clare, and recorded in the same manner as other deeds for the conveyance of land.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 15, 1845.

RELIEF.

AN ACT for the relief of James Lusk.

James Lusk allowed \$92 60, for printing Militia Law.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer in favor of James Lusk, for ninety-two dollars and sixty cents, payment in full for printing two hundred copies of the Militia Law of this State, to be paid out of the appropriation for pay of the contingent expenses of the militia.

This act to take effect from its passage.

APPROVED, Feb. 15, 1845.

RELIEF.

*[AN ACT for the benefit of John B. Sturzenegger.] **

John B. Sturzenegger authorized to sell clocks of his own manufacture, without license.

WHEREAS, it has been represented to this General Assembly that John B.

* The title of this act is supplied by the Secretary of State, there being none on the original roll.

Sturzenegger, a native of Switzerland, and now a citizen of Callaway county, in this State, is a clock and watch maker by trade ; that the said Sturzenegger is now very old and infirm, and unable to make a living otherwise than by the exercise of his trade ; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the said John B. Sturzenegger be, and he is hereby authorized to sell and dispose of clocks of his own manufacture any where in this State, without being compelled or required to pay any tax or obtain any license for that purpose ; provided that he, the said John B. Sturzenegger, do not enter into partnership with any other person or persons in the manufacture or sale of clocks.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 19, 1845.

RELIEF.

AN ACT for the relief of Maria Carns.

\$108 allowed Maria Carns for her attendance as witness in a certain case.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the Auditor of Public Accounts be, and he is hereby authorized and required to draw his warrant upon the the Treasurer of the State, in favor of Maria Carns, for the sum of one hundred and eight dollars, as payment in full for her attendance and detention as a witness in the case of the State vs. McAy & Perry, charged with the murder of Major Floyd, &c., to be paid out of any money in the treasury not otherwise appropriated.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 21, 1845.

RELIEF.

AN ACT for the relief of Cyrus H. Frost, late sheriff of Crawford county.

\$11 92 allowed Cyrus H. Frost, sheriff of Crawford county.

Whereas, it is represented to this General Assembly, that under the law regulating fee bills, the sum of eleven dollars and ninety-two cents was audited and allowed by the circuit court of Gasconade county, to Cyrus H. Frost, late sheriff of Crawford county, for his fees in a suit, the State of Missouri vs. Willis Craddock, which was removed

by change of venue from Crawford to Gasconade county, which amount of eleven dollars ninety-two cents was omitted in the addition of the fee bill thus made out, as appears from the fee bill now on file in the Auditor's office, and has not been paid to said Frost; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is authorized and required to draw his warrant on the State Treasurer for the sum of eleven dollars and ninety-two cents in favor of Cyrus H. Frost, late sheriff of Crawford county, for his services in the case of the State of Missouri vs. Willis Craddock, to be paid out of any money in the treasury not otherwise appropriated.

This act to take effect from its passage.

APPROVED, Feb. 21, 1845.

RELIEF.

AN ACT for the benefit of John Fawcett, and others.

Register of Lands to make a patent for certain lands to John Fawcett, Thomas R. Gant, and Josiah Gant.

Whereas, it has been represented to this General Assembly, that the sheriff of Audrain county did, on the 4th day of November, in the year of our Lord one thousand eight hundred and thirty-nine, sell the following school lands hereinafter described; and whereas, the same was purchased by Thaddeus Clendennen, of the county of Boone, in this State; and whereas, the said purchaser failing to make payment for the same to the said county of Audrain for the said lands purchased by him, he, the said Thaddeus Clendennen, assigned over his certificate of purchase granted him by said sheriff, to John Fawcett, Thomas R. Gant, and Josiah Gant, of the county of Audrain, who were the securities of the said Thaddeus Clendennen; and whereas, it appears to this General Assembly, from the certificate of the clerk of the county court of Audrain county, that the said John Fawcett, Thomas R. Gant, and Josiah Gant, had paid the full amount of the purchase money for said land; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Register of Lands is hereby authorized and required to issue and make out a patent to the north-east quarter of the north-east quarter of section sixteen, township fifty, and range ten, containing forty acres; also, the south-east quarter of the north-east quarter of section

sixteen, township fifty, and range ten, containing forty acres, thereby conveying said land to John Fawcett, Thomas R. Gant, and Josiah Gant, in the same manner as is now provided by law, in cases of sales of school lands.

This act to take effect from and after its passage.

APPROVED, Feb. 22, 1845.

RELIEF.

AN ACT for the benefit of Brice W. Hammack, of Lincoln county.

SECTION.	SECTION.
The appointment of B. W. Hammack, administrator of J. Downing, deceased, legalized, 1	Said Hammack's acts as administrator legalized, and he shall complete the administration, 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The appointment of Brice W. Hammack, as administrator of the estate of James Downing, deceased, made by the county court of said county, on the 16th day of August, 1843, be and the same is hereby legalized and affirmed.

§ 2. The acts and proceedings of the said Hammack, in the said administration, so far as the same are in conformity to law, are hereby legalized and affirmed, and the said Hammack is hereby authorized and required to complete the said administration.

This act to take effect and be in force from and after its passage.

APPROVED, February 22, 1845.

RELIEF.

AN ACT for the benefit of the minor heirs of Sanford H. King, deceased.

Matthew H. Ritchey, as administrator, may enter a certain tract of land for the minor heirs of Sanford H. King.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Matthew H. Ritchey, administrator of the estate of Sanford H. King, deceased, be and he is hereby authorized to use any money he may have in his hands as administrator aforesaid, to enter for the use and benefit of James Alexander King, and William D. King, infant children of Sanford H. King, deceased, one eighty, and one forty acres of land lying in Newton county, in this State, and adjoining a tract of land already

deeded to the said James Alexander King and William D. King, by their grandfather John King.

This act to take effect and be in force from and after its passage.

APPROVED, February 22, 1845.

RELIEF.

AN ACT for the benefit of Adolph Caltner.

The right of the State of Missouri to the estate of Frederick Loerve, released, and vested in Adolph Caltner.

§ 1. All the right, title, claim and interest which the State of Missouri has acquired, or may be entitled to by escheat, in and to the real and personal estate of Frederick Loerve, deceased, late of Morgan county, in Missouri, is hereby released, and vested in his former partner and confidential friend, Adolph Caltner, of said county; and the State of Missouri hereby relinquishes in favor of said Caltner, all the claims which might accrue to said State in and to any lands or other property that were owned by said Frederick Loerve, in said county, at the time of his death.

This act shall take effect from its passage.

APPROVED, Feb. 25, 1845.

RELIEF.

AN ACT for the benefit of the heirs of John D. Foster.

SECTION	SECTION
Register of Lands to issue a patent for a certain tract of land, to the heirs of John D. Foster, deceased,	Said patent to be sent to the clerk of Marion county, and by him given to the administrator of said deceased's estate,
1	2

Whereas, it is represented to the present General Assembly, that John D. Foster, deceased, in his lifetime, to wit: in the year eighteen hundred and thirty-two, purchased the west half of the southwest quarter of section sixteen, in township fifty-eight, north of the base line of range No. five, west of the fifth principal meridian, in the county of Marion, and made full payment for the same, as appears from the orders and certificates of record in the county court of said county; and whereas, the said tract of land remained in the quiet and undisturbed possession of the said John D. Foster until his death, and rightfully belongs to his heirs and his widow, who has a dower right in the same, yet in consequence of a failure on the part of the commissioner who sold said land, to report such sale, no abstract of the sale of the aforesaid tract is found of record in the land register's

office, and therefore a patent cannot issue under the provisions of the laws regulating the sale of school lands; for remedy thereof,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The register of lands is hereby authorized and directed to issue a patent to the heirs of John D. Foster, deceased, for the west half of the southwest quarter of section sixteen, township fifty-eight, of range five, west, in the county of Marion.

§ 2. The register shall, immediately after the said patent is issued and recorded, as other patents are, transmit the same to the clerk of the county court of Marion county, who shall deliver the same to the administrator of the estate of the said John D. Foster, deceased.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 27, 1845.

RELIEF.

AN ACT for the relief of Willoughby Lane.

\$6 56 allowed to Willoughby Lane.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ The Auditor of Public Accounts, is hereby required to draw his warrant on the State treasury, in favor of Willoughby Lane, for the sum of six dollars and fifty-six cents, being the amount of tax on the land of said Lane, in the county of Shelby, for the year eighteen hundred and forty-two, and twice paid into the State treasury.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 27, 1845.

RELIEF.

AN ACT for the benefit of Edward Beatty.

Register of Lands to make out a patent for a certain tract of land, in favor of Edward Beatty.

WHEREAS, it has been represented to this General Assembly, by the certificate of the clerk of the county court of Audrain, to the Register of Lands of this State, that Edward Beatty has made full and complete payment for the n e qr. of the n e qr. of section 16, township 50, and range 8, of which Alexander Maupin was the original purchaser, and G. W. Cardwell was his security for the purchase money; that said Maupin died insolvent, and the certificate of sale was transferred to said se-

curity, (G. W. Cardwell,) and from him, to the said Edward Beatty; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the Register of Lands is hereby required to make out and issue a patent for the n e qr. of the n e qr. of section 16, township 50, and range 8, thereby conveying said land to Edward Beatty, in the same manner as is now provided by law, in cases of sales of school lands.

This act to take effect from and after its passage.

APPROVED, Feb. 28, 1845.

RELIEF.

AN ACT to authorize the securities of Levi D Blankenship, to settle with the Auditor of Public Accounts.

Auditor required to settle with the securities of Levi D. Blankenship, late collector of Chariton, on certain conditions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. If the securities of Levi D. Blankenship, late collector of Chariton county, shall pay into the State treasury all the revenue due from said Blankenship and his securities for any preceding year, with interest at the rate of six per centum per annum, from the time the sum was due until paid, together with all costs which have or may accrue thereon, the Auditor of Public Accounts is authorized and required to settle with them as if said revenue had been paid in to the treasury according to law, provided said settlement or payment be made on or before the fifteenth day of April next.

This act to be in force from its passage.

APPROVED, Feb'y. 28, 1845.

RELIEF.

AN ACT for the relief of Robert Wood, collector of Pulaski county.

SECTION.	SECTION.
Robert Wood, collector of Pulaski for 1842, on certain conditions settle with the Auditor, and be released from certain penalties.	If a distress warrant be issued, said Wood may settle with the coroner on the said conditions.
1	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. If Robert Wood, collector of Pulaski county, for the year eighteen

hundred and forty-two, or his securities shall on or before the first day of April next, pay into the treasury of this State, the revenue due and owing by said Robert Wood for the year eighteen hundred and forty-two, with interest from the time due until paid, at the rate of eight per cent per annum, together with all costs that may have accrued by reason of any distress warrant issued by the auditor of public accounts, then and in that case the auditor of public accounts shall settle his, said Woods' account for the year eighteen hundred and forty-two, releasing him from the penalty of two and half per cent. per month.

§2. If there be a distress warrant in the hands of the coroner of Pulaski county against said Robert Wood, collector of said county, and his securities, for the year eighteen hundred and forty-two, said coroner is hereby authorized to settle with said Wood and his securities, in accordance with the provisions of the preceding section, provided that said coroner shall on or before the said first day of April next, pay the amount into the treasury.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 28, 1845.

RELIEF.

AN ACT for the relief of the collector of Ste. Genevieve county.

Wm. Adams collector of Ste. Genevieve county, released from certain penalties, and allowed his commissions, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. If Wm. Adams, collector of the county of Ste. Genevieve, shall pay into the treasury the full amount of the revenue due from him, for the year eighteen hundred and forty-four, on or before the first of April next, the auditor of public accounts shall not impose any penalties or exact any forfeitures from him, for failing to pay in the balance due of the revenue at the time required by law, but shall settle with him, and allow him his usual commission and mileage.

This act to take effect from its passage.

APPROVED, February 28, 1845.

RELIEF.

AN ACT for the relief of Jones H. Owen, collector of Platte county.

Jones H. Owen, collector of Platte, released from certain penalties on certain conditions.

SECTION.

1

Auditor to settle with said collector according to this act.

SECTION.

2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That all fines, forfeitures and penalties, incurred by Jones H. Owen, collector of Platte county, in consequence of his failure to pay into the State treasury the balance of revenue due from him as such collector, for the year eighteen hundred and forty-four, are hereby remitted, provided the said Jones H. Owen shall pay the balance of revenue due as aforesaid into the State treasury, on or before the 15th day of April next, eighteen hundred and forty-five.

§ 2. The auditor of public accounts is required to settle with said collector in conformity with the provisions of this act.

This act to take effect and be in force from and after its passage.

APPROVED, March 5, 1845.

RELIEF.

AN ACT to pay Solomon L. Leonard for selecting lands.

	SECTION		SECTION.
\$1750 allowed Solomon L. Leonard	1	Land Office at Savannah, out of the pro-	
Said sum to be paid by the Receiver of the		ceeds of the land sales	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. There shall be paid to Solomon L. Leonard, commissioner on the part of the State, for selecting the lands under the act of the General Assembly entitled "an act to provide for the selection and sale of the lands granted to this State by an act of Congress, approved September the fourth, eighteen hundred and forty-one," approved February the twenty-seventh, eighteen hundred and forty-three, the sum of seventeen hundred and fifty dollars.

§ 2. The said sum of seventeen hundred and fifty dollars shall be paid out of the proceeds of the first sales of land selected by said Leonard, to be paid by the receiver of the land office at Savannah, for which he shall take duplicate receipts, and which, when paid, shall be in full compensation for his, said Leonard's services as commissioner down to this date.

This act shall be in force from and after its passage.

APPROVED, March 8, 1845.

RELIEF.

AN ACT to pay the Adjutant General for extra services imposed by the last General Assembly.

\$200 allowed G. A. Parsons for extra services as Adjutant General.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer for the sum of two hundred dollars, in favor of Gustavus A. Parsons, adjutant general of the Missouri militia, for extra services rendered in his official capacity, for the years 1843 and 1844, and that said amount be paid out of the monies appropriated to defray the expenses of the Iowa, Mormon and Osage disturbances.

This act to take effect from its passage.

APPROVED, March 8, 1845.

RELIEF.

AN ACT for the benefit of *A. B. Potts and Robert Reed.*

County court of Linn county empowered, on certain conditions, to annul the sales of certain school lands to Alfred B. Potts and Robert Reed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county court of Linn county are hereby authorized, with the consent of a majority of the inhabitants of congressional township number fifty-eight, (58) and range number twenty, (20) and upon the surrender, by Alfred B. Potts and Robert Reed, of the certificates given them by the sheriff of said county of Linn, upon the sale of certain school lands in said township to said Potts and Reed, to rescind, by the order of said court, the sales made to said Potts and Reed of such school lands, and to surrender all securities taken for the purchase money, which order, when made in pursuance of this act, and in conformity thereto, shall have the effect of annulling and avoiding such purchases of said Potts and Reed.

This act to take effect from its passage.

APPROVED March 10, 1845.

RELIEF.

AN ACT for the benefit of *Joseph H. Reynolds and Harman T. Wilson.*

\$211 18 allowed to Joseph H. Reynolds and Harman T. Wilson.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the auditor of public accounts be, and he is hereby authorized and required to draw his warrant on the treasurer of this State, in favor of Joseph H. Reynolds and Harman T. Wilson, for the sum of two hundred and eleven dollars and eighteen cents, to be paid out of any money in the State treasury not otherwise appropriated, which amount is hereby allowed to said Reynolds and Wilson, to defray certain expenses and damages sus-

tained by them in consequence of a suit instituted, and a judgment obtained against them, in the circuit court of Lee county, in the State of Illinois, by Joseph Smith, for having arrested the said Smith by virtue of a writ issued by the Governor of the State of Illinois, on a requisition from the Governor of the State of Missouri.

This act to take effect from its passage.

APPROVED, March, 10, 1845.

RELIEF.

AN ACT for the relief of Horsley Rea, John Slack and others.

\$488 62 allowed to Horsley Rea and John Slack; and \$ 140 00 allowed to Anthony Bennett.

WHEREAS, it appears to the satisfaction of this General Assembly that Horsley Rea and John Slack, inspectors of Tobacco at the State Warehouse at St. Louis, have necessarily expended of their own private funds the amount of four hundred and eighty-eight dollars and sixty-two cents, for excavating and paving the ground and alleys about the said warehouse, and in the purchase of scales, screws and various other tools and fixtures necessary in the fitting up the State tobacco warehouse for the inspection of tobacco; *Therefore,*

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts be and [he] is hereby authorized to draw his warrant on the State treasury, in favor of Horsley Rea and John Slack, for the sum of four hundred and eighty-eight dollars and sixty-two cents; also, in favor of Anthony Bennett for the sum of one hundred and forty dollars, in full of all demands, payable out of any money in the State treasury not otherwise appropriated.

This act to take effect and be in force from and after its passage.

APPROVED, March 10, 1845.

RELIEF.

AN ACT for the relief of Joseph Gibson.

Joseph Gibson may be divorced from his wife, Ursula Gibson, by a decree of the circuit court, on proof of abandonment, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows:

That Joseph Gibson, of the county of Van Buren, in the State of Missouri, shall be at liberty to institute a suit for a divorce against Ursula Gibson, his wife, on the ground of abandonment; and if it shall appear on the trial that he has been wilfully abandoned by his wife, without just

cause, he shall be at liberty to maintain his suit, and the circuit court shall be competent to render a decree of divorce in his favor, even if the abandonment complained of shall not have been continued for the space of two years at the time of beginning his suit, or at the time of the trial thereof.

This act shall take effect from its passage.

APPROVED, March 10, 1845.

RELIEF.

AN ACT for the relief of W. W. Compton.

	SECTION.		SECTION.
\$20 allowed W. W. Compton,	1	the same,	2
Auditor required to draw a warrant for			

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The sum of twenty dollars is hereby allowed to William W. Compton, for damages sustained by him in the distribution of Laws, Journals and other volumes, to certain counties in the south western portion of this State.

§ 2. The Auditor of Public Accounts is hereby required to draw his warrant for the above sum.

This act shall take effect from its passage.

APPROVED, March 10, 1845.

RELIEF.

AN ACT for the relief of William Lawson, Sheriff of Ripley county.

§ 5 12½ allowed William Lawson, late sheriff of Ripley county.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the sum of five dollars, twelve and a half cents ; to be paid out of any money in the treasury not otherwise appropriated, in favor of William Lawson, late sheriff of Ripley county, for services rendered the State, on a distress warrant against John M. Morrow, and his securities, former sheriff of said county.

This act to be in force from its passage.

APPROVED, March 10, 1845.

RELIEF.

RELIEF.

AN ACT for the relief of John Smarr.

\$37 50 allowed John Smarr, Collector of St. Clair for 1843.

WHEREAS, it is certified by Charles P. Bullock, clerk of the county court of St. Clair county, that John Smarr, late sheriff of said county, did execute to said clerk his receipt for the assessor's books of 1843, and in which said Smarr was charged with 689 polls at 25 cents each, for State purposes, and fifty cents each, for county purposes; when said Smarr ought to have been charged with only 539 polls, as shown per assessor's book for said year 1843; for remedy whereof,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer, in favor of John Smarr, for the sum of thirty-seven dollars and fifty cents, this being the amount paid by said Smarr into the State Treasury, over and above what the law required.

This act to take effect from and after its passage.

APPROVED, March 10, 1845.

RELIEF.

AN ACT for the benefit of William A. Whitehead.

\$32 77 allowed Wm. A. Whitehead, Collector of Stoddard for 1843.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Auditor of Public Accounts be and he is hereby required to draw his warrant on the Treasury in favor of William A. Whitehead for the sum of thirty-two dollars and seventy-seven cents, the amount said Whitehead paid into the Treasury as penalties and commission forfeited for failing to pay into the Treasury according to law, the revenue of Stoddard county for the year 1843.

This act to take effect and be in force from and after its passage.

APPROVED, March 12, 1845.

RELIEF.

AN ACT for the relief of Israel B. Grant, clerk of Callaway county court.

\$54 31 allowed Israel B. Grant, clerk of Callaway county court.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The auditor of public accounts is hereby authorized and required to draw his warrant on the State treasurer in favor of Israel B. Grant, clerk of the county court of Callaway county, for the sum of fifty-four dollars and thirty-one cents, to be paid out of any money in the treasury not otherwise appropriated, for his services in making lists of the taxable lands in said county, for the use of the assessors, for the years 1837, 1838, 1839, and 1840.

This act to take effect and be in force from and after its passage.

APPROVED, March 12, 1845.

RELIEF.

AN ACT for the relief of Y. Ewing.

State Treasurer required to pay a certain Auditor's warrant, with six per cent. interest from the date of its registry.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the treasurer of the State be required to pay a certain auditor's warrant for one dollar and seventy-one cents, which warrant is numbered "2547," bears date the 11th day of November, 1828, is signed by E. Barcroft, as auditor, and registered by N. Simonds, as treasurer, the 1st day of December, 1828, and is made payable to Y. Ewing, or bearer, together with six per cent. interest thereon from the date of the registry thereof.

This act to take effect from and after its passage.

APPROVED, March 13, 1845.

RELIEF.

[AN ACT in favor of Joseph D. N. Thompson, and William Huston.]*

\$10 allowed Joseph D. N. Thompson, and \$10 allowed William Huston.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer of this State, in favor of Joseph D. N. Thompson, for the sum of ten dollars, and William Huston, for the sum of ten dollars, for services rendered the State in distributing the laws, journals, and other volumes, in the year eighteen hundred and forty-three; and the treasurer is hereby required to pay the same out of any money in the treasury not otherwise appropriated.

This act to take effect from its passage.

APPROVED, March 15, 1845.

(*This title has been supplied, as the original roll had none.)—Sec. State.

RELIEF.

RELIEF.

[AN ACT in favor of Henry McClure.*]

\$15 allowed Henry McClure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the auditor of public accounts is hereby authorized and directed to draw his warrant on the treasury of this State for the sum of fifteen dollars, in favor of Henry McClure, to be paid out of any money in the treasury not otherwise appropriated, being a balance due him for services rendered the State in distributing the laws and journals of the last session, and other books committed to his charge.

This act to take effect from and after its passage.

APPROVED, March 15, 1845.

(*The title of this bill is supplied by the Secretary of State, there being none on the original roll.)

RELIEF.

AN ACT for the relief of Mahittable Gardner, alias Schooler.

In a certain prosecution against Mahittable Gardner, alias Schooler, her husband's death shall not be presumed.

Whereas, it appears that one Mahittable Gardner was joined in marriage to one William P. Gardner, on the 13th May, 1838, and that, some time in the same year, the said William P. Gardner disappeared, and is supposed to have been killed in the Mormon war; Now, therefore

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That if Mahittable Gardner, alias Mahittable Schooler, be at any time prosecuted for any crime or misdemeanor, and it shall, in the time [trial] of the same, be necessary to prove that at the time the offence is charged to have been committed, the said William P. Gardner was alive, it shall not be presumed, because the said William P. Gardner has not been absent or heard of within seven years, but the same shall be proven by evidence, as any other fact.

This act to take effect and be in force from and after its passage.

APPROVED, March 15, 1845.

RELIEF.

AN ACT for the benefit of Delila Cartmill.

\$7 allowed to Delila Cartmill for her husband's services in the Mormon war.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the auditor of public accounts is hereby authorized and required to draw his warrant on the State treasury in favor of Delila Cartmill, for the sum of seven dollars, it being the amount due her deceased husband, Robert N. Cartmill, as appears from the pay roll now on file in the auditor's office, for his services as a private in Captain William J. Gilman's company of the twelfth division of Missouri volunteers, who were engaged in the late Mormon war.

This act to take effect and be in force from and after its passage.

APPROVED, March 17, 1845.

RELIEF.

AN ACT for the relief of Hamilton Finney and George Arrowsmith.

	SECTION.		SECTION.
\$20 allowed to Hamilton Finney, and	1	Out of what fund said warrants are to be paid,	2
\$9 20 to George Arrowsmith, for their			
attendance as witnesses in a certain case			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the auditor of public accounts be and he is hereby authorized and required to draw his warrant on the treasurer, for the sum of twenty dollars, in favor of Hamilton Finney, and for nine dollars and twenty cents in favor of George Arrowsmith, being the amount due said Finney and Arrowsmith, as witnesses in the case of the State against William P. Owsley, indicted in the Marion circuit court, in the year 1842, for grand larceny, and acquitted, which said fees were overlooked and omitted, in making up the general bill of costs in the case above mentioned.

§ 2. The treasurer shall pay the above mentioned sums out of the appropriation for costs in criminal cases.

This act shall take effect and be in force from and after its passage.

APPROVED, March 17, 1845.

RELIEF.

AN ACT *for the relief of Robert E. Baker, sheriff of Callaway county.*

§ 33. allowed to Robert E. Baker, sheriff of Callaway.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the auditor of public accounts is hereby authorized and directed to draw his warrant on the treasurer of this State, in favor of Robert E. Baker, sheriff of Callaway county, for the sum of thirty-three dollars, on account of a balance of costs unpaid by the State, in the case of the State of Missouri against James Risly, in the circuit court of Platte county, to be paid out of any money in the treasury appropriated to the pay of costs in criminal cases.

This act to take effect from and after its passage.

APPROVED, March 17, 1845.

RELIEF.

AN ACT *explanatory of and supplementary to an act for the relief of Abraham Brown, approved January 27th, 1845.*

Construction of a certain act for the relief of A. Brown.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the act for the relief of Abraham Brown, approved January 27th, 1845, shall not be construed to give said Brown any right to enter the land in said act mentioned, as against any person who shall have had to said land, at the time said Brown entered the land at the land office at Plattsburg, a good right in either law or equity, nor shall it prevent the judicial tribunal to take cognizance of, and adjudicating thereon, as if no such act had passed, providing that if any person shall have settled on said land subsequent to the time that said Brown paid his money into the General Land Office, such settlement shall be, and the same is hereby declared to be null and void.

This act shall take effect from its passage.

APPROVED, March 19, 1845.

RELIEF.

AN ACT for the relief of George B. Tolson.

SECTION.	SECTION.
State treasurer to pay a certain Cole county warrant out of the road and canal fund	part of its share of the road and canal fund
State to pay said warrant to said county as	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the treasurer of this State shall, upon the presentation of the warrant hereinafter specified, pay out of the road and canal fund heretofore received, or which may be hereafter received, from the secretary of the treasury of the United States, and to which the county of Cole may be entitled, to George B. Tolson, the sum of forty-two dollars, the amount of warrant numbered two hundred and fifty-seven, (257) and drawn by Thomas Murray, president, and attested by E. L. Edwards, clerk of the Cole county court, upon the treasurer of said county, and payable out of the three per cent. fund.

§ 2. Upon the application of the agent or person legally authorized to receive the road and canal fund of said county, the treasurer shall deliver to said agent the warrant herein mentioned, as a part of said fund, and shall be received by said county of Cole as such, for the sum herein mentioned.

This act to take effect from its passage.

APPROVED, March 19, 1845.

RELIEF.

AN ACT for the relief of Richard D. Austin and W. K. Vanarsdall, of Monroe County.

\$ 16 allowed Richard D. Austin, as provost marshal at a certain court martial.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer for the sum of sixteen dollars, in favor of Richard D. Austin, of Monroe county, for his services as provost marshal, on the trial of Col. Glascock, by court-martial.

§ 2. And be it further enacted, that the auditor be also required to issue his warrant in favor of W. K. Vanarsdall, for the sum of four dollars, for his services as judge advocate to said court-martial.

This act to take effect from and after its passage.

APPROVED, March 19, 1845.

RELIEF.

AN ACT for the relief of Mason G. Pemberton, late sheriff of Pettis county.

SECTION.		SECTION.
\$20 allowed Mason G. Pemberton, late sheriff of Pettis, for taking census in 1840	1	Auditor to draw his warrant, for said sum, in favor of said Pemberton
		2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sum of twenty dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the payment of Mason G. Pemberton, late sheriff of Pettis county, for his services in taking the census of this State in the year eighteen hundred and forty.

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer, for the amount above specified, in favor of said Pemberton.

This act shall take effect after its passage.

APPROVED, March 19, 1845.

RELIEF.

AN ACT for the benefit of John H. Fields.

John H. Fields constituted a member and resident of a certain school district.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The south-east quarter of section thirty-four in township forty-eight, of range twelve, on which the said John H. Fields now resides, shall be, and the same is hereby made, and henceforth considered a part of school district number sixteen, in Boone county, thereby investing said John H. Fields with all the privileges, for school purposes, of a member and resident of said school district.

This act to take effect from its passage.

APPROVED, March 20, 1845.

RELIEF.

AN ACT for the benefit of Charles F. & W. D. Marlow, heirs of John S. Marlow, late of Lewis county.

The sum of \$28 75, erroneously paid by J. M. Lillard, as guardian, shall be considered as payment of taxes for 1835—'36, '37, '38, '39, '40 and '41.

WHEREAS, the S. E. qr. of section thirty-one, township sixty-one, range five west, was erroneously assessed, (there being no such quarter section,) and taxed to John S. Marlow for the years 1835, 1836, 1837, 1838, 1839, 1840 and 1841, instead of S. E. qr. of section thirty-six, township sixty-one, range six; and whereas, the said Charles F. & W. D. Marlow, by their guardian James M. Lillard, have paid the said tax, thus erroneously assessed, amounting to the sum of twenty-eight dollars and seventy-five cents; for remedy whereof,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the sum of twenty-eight dollars and seventy-five cents, erroneously paid by C. F. & W. D. Marlow, by their guardian, James M. Lillard, on the S. E. qr. of section 31, township 61, range 5, shall be and the same is hereby declared to be in full satisfaction for the taxes on S. E. qr. of section thirty-six, township sixty-one, range six, for the years 1835, 1836, 1837, '8, '9, '40 and '41.

This act to be in force from and after its passage.

APPROVED, March 20, 1845.

RELIEF.

AN ACT for the relief of C. W. McKissick, of Holt county.

The county court of Holt county may, and under certain conditions shall, repay his fine of \$ 500 to C. W. McKissick.

WHEREAS, at the September term, 1843, of the circuit court for the county of Holt, Cornelius W. McKissick was tried and convicted of manslaughter, and fined by said court in the sum of five hundred dollars, which sum has been paid into the county treasury of said county; and whereas, also, a large number of the people of Holt county have petitioned this General Assembly for the relief of said McKissick; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county court of the county of Holt are hereby authorized, at their discretion, and if a majority of the legal voters of said county of Holt shall petition said court, the said court shall be required to draw their warrant upon the treasurer of said county in favor of said McKissick, for the sum of five hundred dollars, provided that it shall appear to the said court that the said McKissick has paid the fine assessed against him by the circuit court of said county.

This act to take effect from and after its passage.

APPROVED, March 20, 1845.

RELIEF.

AN ACT for the relief of Major M. Johnson.

\$17 allowed Major M. Johnson for forage furnished during the Mormon War.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the sum of seventeen dollars, in favor of Major M. Johnson, in payment for forage and grain furnished by him to the 14th Regiment, 1st Brigade, 1st Division of Missouri Militia, in the expedition to Far West against the Mormons, in the year 1838, which sum is to be paid out of moneys heretofore appropriated to defray the expenses of the Iowa, Mormon and Osage disturbances.

This act to take effect and be in force from and after its passage.

APPROVED, March 20, 1845.

RELIEF.

AN ACT for the relief of A. W. Jeffries and Lewis C. Frazier.

\$18 allowed to A. W. Jeffries, and \$22 to Lewis C. Frazier, as members of a certain court martial.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant in favor of A. W. Jeffries for the sum of eighteen dollars; also, in favor of Lewis C. Frazer, for the sum of twenty-two dollars, for services rendered as members of a court martial which convened in the city of St. Louis, in the year eighteen hundred and forty-three, for the trial of Major General Elliot Lee, which court martial was convened by order of the Commander-in-Chief.

This act to take effect from and after its passage.

APPROVED, March 22, 1845.

RELIEF.

AN ACT authorizing the Register of Lands to receive of the collector of Scotland county, the delinquent list of said county for the year 1843.

Register of Lands required to receive of the collector of Scotland, the delinquent list for 1843.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Register of Lands of this State is hereby authorized and re-

quired to receive of the collector of Scotland county, the delinquent tax list of said county for the year one thousand eight hundred and forty-three, in like manner and with the same effect, as if the said list had been returned within the time prescribed by law.

This act to take effect from its passage.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the benefit of the corporation of the town of Washington, in Franklin county, Missouri.

SECTION.

SECTION

The town of Washington declared a school district, and the trustees, treasurer and clerk of said town, to be ex-officio trustees, clerk and treasurer of said

school district,
Moneys due said district to be paid to the said treasurer, in accordance with the provisions of the general school law,

1

2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the corporation of the town of Washington, in Franklin county, be and the same is hereby declared and constituted a school district, and that the trustees, treasurer and clerk of said corporation, be ex-officio school trustees, treasurer and clerk thereof.

§ 2. That the township and "State School Money," according to the rightful proportion of the same, belonging to said school district hereby constituted, be paid directly to the treasurer of said corporation in proportion to the number of scholars reported to the clerk of the county court of the proper county, to be applied to the support of common schools, according to the act providing for the organization, support and government of the same.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the benefit of Robert T. McNeill.

\$4 00 allowed to Robert T. McNeill, as Messenger.

WHEREAS, Robert T. McNeill was employed by the clerk of the county court of Morgan county, to convey to the seat of government the returns of the election recently held in the twentieth senatorial district, and has delivered the same to the Secretary of State, and the law has made no provision for the payment of a messenger in such a case, although payments are directed to be made to messengers in other cases of election; now, for remedy whereof,

Be it enacted by the General Assembly of the State of Missouri, as follows:

The Auditor of Public Accounts is hereby directed to draw his warrant in favor of Robert T. McNeill for the sum of four dollars, being at the rate of five cents per mile going and returning from the town of Versailles, in the service aforesaid.

This act to take effect from its passage.
APPROVED, March 24, 1845.

RELIEF.

AN ACT for the benefit of Robert A. Raphael.

\$8 00 allowed Robert A. Raphael for services as guard during the trial of D. B. Burr.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts be authorized to draw his warrant on the Treasurer for eight dollars, in favor of Robert A. Raphael, for acting as guard during the trial of D. B. Burr, in the City of Jefferson.

This act shall take effect from and after its passage.
APPROVED, March 24, 1845.

RELIEF.

AN ACT for the benefit of John C. Gordon, William S. Burch, and others.

SECTION.		SECTION
The Commissioner of the Permanent Seat of Government required to sell certain lots under certain conditions. Notice of sale to be published. Duties of the said commissioner in relation to the persons interested in the building on said lots.	1	Time, place, and terms of sale Duties of said commissioner respecting the proceeds of the sale.
	2	5-6-7
	3	8

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the commissioner of the permanent seat of government is hereby authorized and required to sell to the highest bidder at public auction, lots numbered three hundred and seventy-nine, and three hundred and eighty, lying and being in the city of Jefferson, upon the terms and conditions hereinafter specified.

§ 2. The said commissioner, before proceeding to sell said lots, shall cause notice of such sale to be advertised at least twenty days in some

newspaper printed in Jefferson City, stating the terms and conditions of such sale.

§ 3. Said commissioner shall have power to hear and determine all demands of Messrs. Gorden and Burch for work and labor done, and materials furnished in the erection of the brick building on said lots; and also of divers and sundry other persons who may have paid as subscribers towards the erection of said building, and for that purpose shall cause public notice to be given to all parties interested, to come before him at such time and place as may be designated by him, and prove up their demands; said commissioner shall judge and determine the actual value of said work and materials.

§ 4. The sale of said lots above provided for, shall be made on the first Monday in July next, at the court house door in Cole county, and upon a credit of six, twelve, and eighteen months, payments to be made in three equal instalments.

§ 5. Said commissioner, after reserving the costs of such sale and the minimum valuation of town lots in the city of Jefferson belonging to the State, to the use of the State, shall cause the purchaser or purchasers to execute bonds with good and sufficient security to Messrs. Gorden and Burch, for the amount allowed by him for the work done and materials furnished by them, in the erection of said building; and for the amount which shall be allowed to subscribers by said commissioner, for money paid towards the erection of said building, said commissioner shall cause the purchaser or purchasers to execute bond with like security to himself to and for the use of said subscribers; provided always, that in the event the amount of the purchase money shall not be equal to the amount of claims allowed by the said commissioner, then the said commissioner shall make a *pro rata* division of the purchase money, and cause the purchaser or purchasers to execute bond as aforesaid to Messrs. Gorden and Burch, for their proportionable part, and to himself for the proportionable part of the subscribers to and for their use and benefit.

§ 6. Whenever the whole amount of the purchase money shall be paid, it shall be the duty of said commissioner to make out and deliver to the purchaser or purchasers a good and sufficient deed in fee simple, to the said lots and the appurtenances thereunto belonging.

§ 7. The foregoing sections shall not be so construed as to authorize the said commissioner to deduct any thing from the costs of sale, or from the minimum valuation of town lots, belonging to the State, but the same shall be fully paid out of the purchase money, and accounted for as other moneys in the hands of the commissioner, belonging to the State.

§ 8. If the trustees or inhabitants of the city of Jefferson, shall on or before the day of sale, settle with Messrs. Gorden and Burch, and secure to them the payment of the amount of money actually due them, as ascertained by said commissioner, in three equal instalments of six, twelve and eighteen months, from the time of such agreement, then the sale of said lots above provided for, shall not be made.

This act to take effect from its passage.

APPROVED, March 24, 1845.

RELIEF.

RELIEF.

AN ACT for the relief of Robert McCutchen and others.

\$11 allowed to R. McCutchen, \$7 50 to A. M. Clark, and \$6 50 to G. L. Douthett, and \$6 to E. J. Salmon.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts is hereby required to draw his warrant on the Treasurer in favor of Gustavus A. Parsons, clerk of the circuit court in and for the county of Cole, for the sum of thirty-one dollars, to be applied by said Parsons, as follows: The sum of eleven dollars thereof, to be paid to Robert McCutchen; the sum of seven dollars and fifty cents to be paid to A. M. Clark; the sum of six dollars and fifty cents to be paid to Green L. Douthett; and the sum of six dollars to be paid to Ezekiel J. Salmon; the said sums being due them respectively for their fees in the case of the State of Missouri vs. James and William McCutchen, and accidentally omitted in the taxation of costs in said case.

This act shall take effect from and after its passage.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the relief of the sheriff and collector of Grundy county.

The collector of Grundy authorized to collect arrearages of taxes from the people of Mercer county.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sheriff and collector of Grundy county is hereby authorized and empowered to collect, in person, from the citizens of Mercer county, all arrearages of taxes and costs that may be due from the people of Mercer county to said sheriff and collector, as though said county of Mercer had not been organized.

This act to take effect from its passage.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the relief of Preston P. Brickey, late collector of Washington county.

\$22 allowed to P. P. Brickey, late collector of Washington county.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer of this State, in favor of Preston P. Brickey, late collector of Washington county, for the sum of twenty-two dollars, being the amount of mileage due said Brickey for traveling to the seat of government to pay over money, as collector for the years 1842 and 1844.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the relief of Clarissa Williams, a free woman of color.

Clarissa Williams may obtain permission to remain in this State. How.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That any court of this State having cognizance of such matters, may and are hereby authorized to grant to Clarissa Williams, a free woman of color, license to remain within this State, in like manner as if she had been born within this State.

This act to take effect from its passage.

APPROVED, March 24, 1845.

AN ACT for the relief of William Henry Harrison, a free person of color.

SECTION.

The county court of Daviess may grant a license to W. H. Harrison, a free negro, to reside in this State,

1

SECTION.

Said free negro, if he fail to give bond, must depart the State at the expiration of six months,

2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of the county of Daviess, is hereby authorized and empowered to grant a license to William Henry Harrison, a free person of color, to reside within this State, upon said Harrison's giving bond to the State, with one or more sufficient securities, in compliance with the provisions of the twelfth section of an act entitled "an act more effectually to prevent free persons of color from entering into this State, and for other purposes," approved February 23d, 1843.

§ 2. Should said Harrison fail to give the bond required by law, then the county court of Daviess county shall permit said Harrison to remain

in this State, six months from the passage of this act, to prepare to depart the same, and during said six months said Harrison shall enjoy the privileges extended by law, to free persons of color, licensed to reside in this State.

This act shall take effect and be in force from and after the passage of the same.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the relief of John Johnson, of Chariton county.

\$50 allowed to John Johnson, of Chariton county.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer of this State, in favor of John Johnson, of Chariton county, for the sum of fifty dollars, this amount having been paid into the State land office at Chillicothe, by the said Johnson, for the n. e. qr. of n. w. qr. of section two, of township fifty-six, of range twenty-two, the patent to which was revoked, for the reason that the Secretary of the Treasury of the U. S. rejected the land from the list selected by the State; and the said Treasurer is hereby required to pay the same out of any money in the Treasury received for the sale of State lands.

This act to take effect from its passage.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the relief of John L. Hamilton, collector of Franklin county.

\$72 26 allowed to J. L. Hamilton, collector of Franklin county.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§. 1. That the auditor of public accounts be, and he is hereby authorized and required to draw his warrant on the treasurer of this State, for the sum of seventy-two dollars and twenty-six cents, in favor of John L. Hamilton, collector of Franklin county, for money paid by said collector into the State treasury, over and above the amount of revenue due from said county for the year eighteen hundred and forty-four.

This act to be in force from and after its passage.

APPROVED, March 24, 1845.

RELIEF.

A ACT for the relief of Mark Moss, former collector of Jefferson county.

Mark-Moss, former collector of Jefferson, released from certain penalties, and allowed certain perquisites.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That all penalties, fines and forfeitures incurred by Mark Moss, former collector of Jefferson county, in consequence of his failing to pay in the revenue at the time prescribed by law, for the year eighteen hundred and forty-three, be, and the same are hereby remitted, and the said collector is hereby allowed the usual commission for the revenue collected and paid over to the treasurer, or other officer, and also his mileage, in the same manner and to the same extent as if the said collector had settled and paid over the amount due the State, at or before the time prescribed by law, and the Auditor of Public Accounts is hereby authorized and required to settle with the collector according to the provisions of the foregoing act.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the relief of Mark Moss, sheriff of Jefferson county.

Auditor to draw two warrants in favor of Mark Moss, sheriff of Jefferson, one for \$19 25, the other for \$13 12.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer of the State, in favor of Mark Moss, sheriff of Jefferson county, for the sum of nineteen dollars and twenty-five cents, it being for costs and charges and fees, in the case of the State of Missouri versus John Pepper, on indictment for felony; also, that the Auditor of Public Accounts be, and he is hereby authorized to draw his warrant in favor of said Moss, for the sum of thirteen dollars and twelve cents, for his costs and charges and fees in the case of the State versus Murdock, on indictment for a felony.

This act to be in force from and after its passage.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the relief of R. R. Jefferson, M. L. Jefferson and others.

\$10 allowed R. R. and M. L. Jefferson; \$2 50 to McDaniel Dorris; and \$2 90 to Andrew Socks.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the sum of ten dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay R. R. and M. L. Jefferson, for services rendered as constable and deputy constable, in the case of arbitration between the Inspectors of the Penitentiary and Messrs. Brown & Richmond, and that the sum of two dollars and fifty cents be allowed McDaniel Dorris, witness in the above case, and also that the sum of two dollars and ninety cents be paid Andrew Socks, for the claim of Joseph Skinner, a witness in the above case, which claim has been assigned, by the said Skinner, to the said Socks.

This act to take effect from its passage.

APPROVED, March 24, 1845.

RELIEF.

AN ACT for the benefit of the securities of James B. Ackman.

	SECTION.		SECTION.
Present collector of Camden empowered to collect the taxes for 1841, &c.	1	Clerk to deliver said collector the proper tax book, &c.	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the present collector of Camden county is hereby authorized and empowered to collect the revenue uncollected for the year eighteen hundred and forty-one, for which purpose he shall have possession of the tax book for that year, shall have the same power to enforce collection as did the collector for the year eighteen hundred and forty-one, receipt and account for in like manner as if he had been regularly the collector for that year; provided, however, that no person holding the receipt of the collector for the year eighteen hundred and forty-one, for his, her or their taxes for said year, shall be required to pay them again.

§ 2. And the clerk of the county court is hereby required to deliver to the present collector of Camden county, the proper tax book for the year eighteen hundred and forty-one, and the said collector, after receiving the same, shall be responsible, in like manner as other collectors are, for the collection of the revenue on their respective tax books; provided, that no delinquent list shall be allowed other than such as might or ought to have been allowed, had said revenue been collected at the time it ought, by law, to have been regularly collected.

This act to take effect from its passage.

APPROVED, March 25, 1845.

R E L I E F.

AN ACT for the relief of the Collectors of the Revenue for the years 1843 and 1844.

Collectors for the years 1843-'44 released from certain penalties; and allowed certain perquisites; provided they pay in the revenue on or before June 1, 1845.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. It shall be lawful for the Auditor of Public Accounts, in his settlement with the collectors of the different counties for the years 1843 and 1844, to release them from all penalties, and make to them the same allowance as though such settlement had been made, and revenue paid in within the time prescribed by law; *Provided*, such settlement be made and revenue paid in on or before the first day of June, 1845.

This act to take effect from its passage.

APPROVED, March 25, 1845.

RELIEF.

AN ACT for the benefit of School township 52, in range 27, and for other purposes.

	SECTION.		SECTION
Trustees of Richmond Academy to be school commissioners of a certain township; their duties.	1	Duties of the county court in the premises	2
		Duties of said trustees	3
		Certain acts repealed	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The trustees of Richmond Academy are hereby constituted school commissioners for congressional township fifty-two, range twenty-seven. Said trustees shall cause to be made an enumeration of all children between the age of six and 20 years, and shall certify the same to the county court of Ray county; and the court shall cause the same to be certified to the superintendant of common schools, who shall apportion the amount of State school monies to which said township is entitled, which amount shall be certified to the Auditor, and drawn by the treasurer of the county, subject to the order of the trustees aforesaid, to be disposed of as hereinafter directed.

§ 2. The county court of Ray county shall draw their warrant in favor of said trustees for the amount of township school monies (the amount being ascertained) belonging to said township.

§ 3. The trustees of said Academy shall make a division to the school districts that now are or hereafter may be organized in said township, giving to each its ratable share or proportion of the township and State.

funds, in compliance of the provisions of the law for the organization, support, and government of common schools.

§ 4. All acts and parts of acts inconsistent with this act are hereby repealed.

This act shall take effect and be in force from and after its passage.

APPROVED, March 26, 1845.

RELIEF.

AN ACT for the benefit of Valentine A. Sublett.

\$27 allowed to V. A. Sublett, sheriff of Lewis county.

WHEREAS, Valentine A. Sublett, late sheriff of Lewis county, took up as a runaway slave, a negro boy named Alfred, and was subjected to the expenses on said account, and said slave afterwards escaped from the custody of said sheriff, and was never re-taken; and whereas the county court of said county allowed to said Sublett the sum of twenty-seven dollars, and certified the same for payment to the Auditor of Public Accounts, which was not paid by the Auditor, for the reason that the law respecting runaway slaves did not apply to such a case; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby required to draw his warrant on the Treasurer, in favor of the said Valentine A. Sublett, for the sum of twenty-seven dollars, out of any money in the treasury not otherwise appropriated.

This act shall take effect from its passage.

APPROVED March 26, 1845.

RELIEF.

AN ACT to authorize the surviving partners of the firm of Bast and Talbots, of Montgomery county, to sell goods at auction without license.

The surviving partners of the firm of Bast & Talbot may sell certain goods at auction without license.

WHEREAS, John C. Bast, of the firm of Bast & Talbots, of the county aforesaid, departed this life, sometime in the month of February last; and whereas, in order to wind up the business of said firm, the sur-

viving partners desire to sell the stock of goods on hand, belonging to said firm ; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Christopher Talbot, David I. Talbot, William P. Talbot, surviving partners of the late firm of Bast & Talbot, or either of them, be, and they are hereby authorized to dispose of the remaining part of the stock of goods belonging to said firm, at auction, without taking out license for that purpose.

This act to take effect from its passage.

APPROVED March 26, 1845.

RELIEF.

AN ACT for the benefit of Mary H. Matchett, of St. Charles county.

SECTION.		SECTION	
Mary H. Matchett allowed to retail goods in the town of St. Charles without license	1	But certain liquors are not included in the privilege	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Mary H. Matchett be, and she is hereby authorized to retail merchandize in the town of St. Charles, without a license from the State for that purpose.

§ 2. Nothing in this act shall be construed to authorize the sale of spirituous, vinous, or malt liquors.

This act to take effect from its passage.

APPROVED March 26, 1845.

RELIEF.

AN ACT for the benefit of Isham Willingham.

I. Willingham authorized to keep a tavern in Mexico, without license.

Whereas, it has been represented to this General Assembly, that said Willingham is old and infirm, and is, at this time, laboring under a chronic disease, which renders him unable to make a living by labor, and having a family dependent upon him for a support, and having had his house destroyed by fire, together with all its contents; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Isham Willingham, sen., be, and he is hereby granted the priv-

ilege of keeping an inn and tavern, in the town of Mexico, Audrain county, without license.

This act shall take effect and be in force from and after its passage.

APPROVED, March 26, 1845.

RELIEF.

AN ACT for the benefit of the county of Gasconade.

SECTION.		SECTION.	
The county courts of Gasconade and Osage counties shall each appoint a commissioner, who, together with the clerk and treasurer of Gasconade shall ascertain the amount of liability incurred by Gasconade in making, &c. a certain State road 1	Report the same to their respective county courts 2	Osage county to pay one half of the debt 3	Commissioners fees to be paid by their counties respectively 4
		Duties of the treasurer of Gasconade in the matter	Duties of the treasurer of Osage in the matter. Certain acts repealed 6

Whereas, a State road from the city of St. Louis to the city of Jefferson was established by an act approved 27th January, 1835; and whereas, by a subsequent act approved 4th February, 1837, it was made the duty of the county courts, through which counties said road passed, excepting the county of Cole, to appropriate the three per cent. fund belonging to the respective counties, to the opening, clearing and bridging of said road; and whereas, the county of Gasconade, then embracing its present limits as well as all of the present limits of the county of Osage, in pursuance of the said act of the 4th February, 1837, proceeded to open, clear and causeway said road, as it passed through the then said county of Gasconade; and whereas, for the performance of said work on said road, the then county of Gasconade incurred a very heavy debt, which yet exists, and for the payment of which her county court executed bonds bearing interest at the rate of ten per centum per annum; and whereas, the county of Gasconade, by an act passed 29th January, 1841, was divided, and its western portion constituted a separate county by the name of Osage, and whereas, the principal portion of said road is now within the limits of Osage county; and whereas, the principal part of said debt was incurred on that portion of said road now in Osage county; for the payment of which, by the said act of 4th February, 1837, the county of Gasconade is alone responsible; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county court of Gasconade county and the county court of Osage county, prior to the first Monday in September next, shall each appoint a commissioner, whose duty it shall be to meet in the town of Hermann, in the county of Gasconade, on the first Monday in September, 1845,

or some subsequent day to be by them appointed, and, in conjunction with the treasurer and county court clerk of the county of Gasconade, proceed to examine all evidences of debt incurred, by the county of Gasconade, in the opening, clearing and bridging of said State road, established and authorized by said acts of 27th January, 1835, and 4th February, 1837; and to ascertain, as near as may be, the amount of said debt or liabilities, existing at the time of the division of said county of Gasconade, as above recited, including the amount of interest on said debt or liabilities, up to said first Monday in September next.

§ 2. Having ascertained the amount of said debt or liabilities, including the interest thereon existing at the time last aforesaid, it shall be the duty of said commissioners to report the total amount of the same to their respective county courts, at their next regular session.

§ 3. It shall be the duty of the county court of Osage county to order one moiety of said total amount to be paid out of the road and canal fund that has heretofore accrued, or may hereafter accrue to said county of Osage, and if there should not be enough of said fund in the county treasury to pay said amount, the county court shall execute bond, in the name of the county of Osage, in favor of the county of Gasconade, for any part of said moiety that may not be paid in pursuance of the foregoing provisions; said bond shall draw interest at the rate of ten per centum per annum until paid, and to be made payable out of the road and canal fund.

§ 4. The fees of said commissioners shall be paid by the counties making the appointment.

§ 5. It shall be the duty of the treasurer of the county of Gasconade to call upon the treasurer of the county of Osage for the money or bonds it may be found the said county of Gasconade will be entitled to receive from the said county of Osage.

§ 6. It shall be the duty of the treasurer of the county of Osage to pay over to the treasurer of the county of Gasconade the money or bonds named in the above sections. The act providing for the distribution of the road and canal fund, in the counties of Gasconade and Osage, approved February 13th, 1841, be, and the same is hereby repealed, and all acts and parts of acts inconsistent with the foregoing, are hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED, March 26, 1845.

RELIEF.

AN ACT for the benefit of Peter McClain.

\$5 allowed to Peter McClain, for work done on the Governor's house.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby authorized and required

to draw his warrant on the treasury, in favor of Peter McClain, for the sum of five dollars, being the amount due him for repairing damage done on the Governor's house, by fire in the year 1842.

This act to take effect and be in force from and after its passage.
APPROVED, March 26, 1845.

RELIEF.

AN ACT for the relief of Peter McClain and others.

\$30 50 allowed to Peter McClain, \$24 00 to N. Ferguson, and 82 cents to Niedecken.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer of this State, in favor of Peter McClain, for the sum of thirty dollars and fifty cents; in favor of Edward Ferguson, for the sum of twenty-four dollars, and in favor of Neidecken, for eighty-two cents, in full of their accounts for services rendered to the Governor's house, &c., and the Treasurer is hereby directed to pay the same out of any money in the treasury not otherwise appropriated

This act to take effect from and after its passage.
APPROVED, March 26, 1845.

RELIEF.

AN ACT for the relief of Hampton L. Boon, Clerk of the Supreme Court.

	SECTION		SECTION
\$119 25 appropriated to pay the account of H. L. Boon, Clerk of the Supreme Court; and	1	The Auditor required to draw his warrant for the same, in favor of said Boon.	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the sum of one hundred and nineteen dollars and twenty-five cents be, and the same is hereby appropriated out of any money not otherwise appropriated in the treasury of the State of Missouri, to pay Hampton L. Boon, for money expended and services rendered the State by him, as clerk of the supreme court of the State of Missouri.

§ 2. The Auditor of Public Accounts of this State, is hereby required to draw his warrant on the Treasurer of this State, in favor of Hampton L. Boon for the amount of money mentioned in the first section of this act, whose duty it shall be to pay the same.

This act to take effect from and after its passage.
APPROVED March 26 1845

RELIEF.

AN ACT for the relief of Jacob Breitenstein.

\$31 75 allowed to Jacob Breitenstein.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the sum of thirty-one dollars and seventy-five cents be and the same is hereby appropriated to pay Jacob Breitenstein for services rendered by him for the State, in criminal cases; and the Auditor of Public Accounts is hereby directed to draw a warrant on the Treasurer in favor of Jacob Britenstein, for the sum aforesaid, payable out of any money in the treasury appropriated for the payment of costs in criminal cases.

This act to take effect and be in force from and after its passage.

APPROVED, March 26, 1845.

RELIEF.

AN ACT for the relief of Robert Wood, of Pulaski county.

	SECTION.		SECTION
Robert Wood, Collector of Pulaski for 1840, released from certain penalties, &c., on certain conditions.	1	Shall pay the county revenue to their respective county treasuries.	3
The sheriffs of Wright, Camden, and Texas, shall collect certain taxes and pay them over to said Wood. And	2	Said Wood shall make out a certain tax list, &c., and the clerk shall certify out the same.	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the said Robert Wood on paying into the State treasury, the whole amount of revenue due the State from the county of Pulaski for the year 1840, with interest at the rate of eight per cent. per annum, shall be released from all liabilities, penalties and forfeitures, incurred by said delinquency; and the Auditor of Public Accounts is hereby authorized and required to settle with said Wood, and allow him such commission and mileage as is allowed collectors by law, for collecting the State revenue.

§ 2. It shall be lawful for the collectors of Wright, Camden and Texas counties, on being furnished by said Robert Wood, with a list of the names of persons residing in their respective counties, and the amount of taxes due from each, taken from the tax book of Pulaski county and certified by the clerk, to collect the same and pay it over to said Robert Wood, after keeping the usual fees for collecting revenue.

§ 3. When such revenue shall be collected, the several sheriffs of the counties of Wright, Camden and Texas, shall pay the county revenue into the treasury of their respective counties.

RELIEF.

§ 4. Said Robert Wood shall make out a list of all persons whose taxes remain unpaid for the years 1840 and 1841, and make an affidavit to the same, and file said list with the clerk of the county court of Pulaski county, and the clerk shall certify out no more than appears from the affidavit of said Wood to remain unpaid.

This act to take effect and be in force from and after its passage.

APPROVED, March. 26 1845.

RELIEF.

AN ACT *for the relief of William Z. Angney, and others.*

\$40 00 allowed to W. Z. Angney, B. F. Hickman, and Wm. M. Kerr.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer in favor of W. Z. Angney, B. F. Hickman, and William M. Kerr, for the sum of forty dollars, as compensation for services rendered as arbitrators chosen to try certain charges preferred by the Inspectors of the Penitentiary, against the lessees thereof, and the Treasurer is hereby required to pay the same out of any money in the treasury not otherwise appropriated.

This act to take effect and be in force from and after its passage.

APPROVED, March 26, 1845.

RELIEF.

AN ACT *for the relief of William Stuart of Perry county.*

The County Court of Perry may exchange a certain tract of land for another with William Stuart.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the county court of Perry county be, and they are hereby authorized and empowered to take and receive from William Stuart of Perry county, a full, entire, and absolute relinquishment of all his right, title, interest, and claim in and to the n e qr. of n e qr. of section sixteen, township 34, north, range 10 east, for the use and benefit of the inhabitants of said township, and grant to the said Wm. Stuart, or cause the same to be done, a certificate of purchase for the north west qr. of n w qr. of section sixteen, township 34, north, range 10 east.

This act to take effect from its passage.

APPROVED, March 26, 1845.

RELIEF.

AN ACT for the relief of Elihu H. Shepherd.

\$12 50 allowed to Elihu H. Shepherd for taxes overpaid.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the treasury in favor of Elihu H. Shepherd, for the sum of twelve dollars and fifty cents, being the amount of tax overpaid by him in the year 1843.

This act to take effect and be in force from and after its passage.

APPROVED, March 26, 1845.

RELIEF.

AN ACT for the relief of Louis Menfry.

\$8 allowed Th. W. Jacobs, for the use of Louis Menfry.

Whereas, one Louis Menfry was entitled to the sum of eight dollars, under an act passed at the session of 1834 & '5, entitled "an act for the relief of Andrew J. Walker and others," which has not been paid to said Menfry, or any one for him; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby required to draw his warrant upon the State Treasurer for the sum of eight dollars in favor of Thomas W. Jacobs, of Grundy county, for the use and benefit of Lewis Menfry.

This act to take effect from its passage.

APPROVED, March 26, 1845.

RELIEF.

AN ACT for the benefit of William J. Tutt.

\$13 50 allowed to Wm J. Tutt, sheriff of Morgan.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer of the State, in favor of William J. Tutt, sheriff of Morgan county, for thirteen dollars and fifty cents,

for services rendered to the State in conveying notices to the sheriffs of Miller, Pulaski and Camden, of the special election to fill the vacancy of William Monroe.

This act to take effect from its passage.

APPROVED, March 27, 1845.

RELIEF.

AN ACT for the benefit of Polk county.

The county court of Polk empowered to levy a special tax for certain purposes; rate of said tax limited.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of the county of Polk, are hereby authorized to levy and collect a special tax, from time to time, to pay off and discharge any debts or demands against said county, incurred in erecting their court house and other county buildings; and said tax may be levied and collected as other taxes; *Provided*, said county tax shall in no event exceed two hundred per cent. on the State tax, unless a majority of the tax payers of said county shall petition said court to do so.

This act shall take effect and be in force from and after its passage.

APPROVED, March 27, 1845.

RELIEF.

AN ACT for the relief of William S. Douglass.

The Commissioner of the Permanent Seat of Government shall execute to Wm. S. Douglass, a perfect deed to a certain town lot, in lieu of an imperfect one.

Whereas, at a public sale of the lots in the city of Jefferson, Thomas Martin became the purchaser of in-lot in the city of Jefferson, numbered nine, (9,) and afterwards transferred said lot to William S. Douglass before a deed had been executed, by said transfer to said Douglass the certificate of purchase, upon which transfer, Alfred J. Basye, then commissioner of the Permanent Seat of Government, executed an imperfect deed to the said Douglass; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Whenever the said William S. Douglass shall file with the Commissioner of the Permanent Seat of Government, the deed referred to in the preamble of this act, said commissioner shall execute a perfect deed to said Douglass for said in-lot numbered nine (9).

This act to take effect and be in force from its passage.

APPROVED, March 27, 1845.

RELIEF.

AN ACT *for the relief of James W. Smith.*

James W. Smith, late collector of Benton; released from certain penalties, under certain conditions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. If James W. Smith, late collector of Benton county, or any person for him, shall, on or before the first day of July, 1846, pay into the State treasury all the revenue due the State, from said collector, for any preceding year, the Auditor is authorized and required to settle with said Smith, and make him the same allowances, and release him from all penalties, in the same manner as if said payment had been made according to law.

§ 2. This act to take effect from and after its passage.

APPROVED, March 27, 1845.

RELIEF.

AN ACT *to authorize John Jacobs, treasurer of Shelby county, to draw certain moneys belonging to said county.*

SECTION	SECTION.
John Jacobs, treasurer of Shelby county, authorized to draw from the State treasury the amount of certain taxes	Auditor required to issue his warrant in favor of said Jacobs. 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. John Jacobs, treasurer of Shelby county, is hereby authorized to draw from the Treasurer of this State, all moneys due from the State to the county of Shelby, on account of taxes accruing on the non-resident tax-list, and paid on account of said county into the treasury of the State.

§ 2. The Auditor of Public Accounts is hereby required to issue his warrant in favor of said Jacobs for the amount thus found due.

This act shall take effect from its passage.

APPROVED, Dec. 4, 1844.

REVENUE.

AN ACT *to provide for the collection of the revenue in the county of Cole.*

SECTION.	SECTION.
The sureties of J. D. Williams, late collector of Cole, empowered to collect the revenue now due on the tax-books of said county	Bond to be given by said person so appointed 2 Said sureties released from certain penalties and allowed certain credits, on certain conditions 3-4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The sureties, or a majority of them, of John D. Williams, deceased, in his official bond as collector of the revenue for the county of Cole for the year eighteen hundred and forty-four, are hereby authorized and empowered to appoint some person to collect the revenue now due on the tax books of said county for said year, and the person so appointed shall be entitled to the possession of said tax books, and be authorized to collect the taxes now due on said books, and in the collection of said taxes shall possess all the powers, including the appointment of deputies, and shall perform all the duties of a collector of the revenue, in relation to the collection of said taxes, and shall have the same lien upon the property chargeable with the payment of taxes that collectors of the revenue have by law.

§ 2. The said sureties, or a majority of them, are hereby authorized to take from the person so appointed by them to collect said revenue, a bond with sureties to the State of Missouri, in a sum not exceeding ten thousand dollars, conditioned for the faithful discharge of the duties required of him by this act, which bond shall be filed in the office of the clerk of the county court of said county, for safe-keeping, and suit may be brought thereon, at the instance of any of the said sureties of said Williams injured by its breach, and a certified copy of said bond, under the hand and seal of said clerk, shall be sufficient evidence in any suit on said bond.

§ 3. If the said sureties of said Williams, or any one in their behalf, shall, on or before the first day of April, in the year eighteen hundred and forty-five, pay into the State treasury all the revenue due the State for revenue collected by said Williams, in his lifetime, for the State, and not accounted for and paid into the State treasury, and all other sums charged against said Williams, upon the books of the Auditor of Public Accounts, for revenue due the State and not accounted for, the said Auditor shall settle with said sureties of said Williams, in all respects as if said Williams had paid over the amounts due the State for revenue, at the times prescribed by law, and said sureties shall be allowed the amount of the delinquent list, if any there be, in the same manner that collectors are now allowed said list, and shall be allowed the same per centage for collecting said revenue that collectors are now allowed.

§ 4. If the said sureties of said Williams, or any one in their behalf, shall, on or before the first day of April, in the year eighteen hundred and forty-five, pay into the county treasury all the revenue due the said county, for revenue collected by said Williams in his lifetime, for said county, and not accounted for and paid into the county treasury of said county, and all other sums charged against said Williams, for county revenue of said county, and not paid into the county treasury of said county, the county court of said county and the county treasurer of said county shall settle with the said sureties of said Williams, in all respects as if said Williams had paid over the amount due said county, for revenue at the times prescribed by law, and the said sureties shall be allowed the same commission and per centage for collecting said revenue that collec-

tors are now allowed, and the amount of the delinquent list, if any there be, shall be allowed in the same manner that collectors are now allowed said list.

This act shall take effect from its passage.

APPROVED, Dec. 19, 1844.

REVENUE.

AN ACT to authorize the county court of St. Louis county to appoint an assessor for the city of St. Louis.

	SECTION.		SECTION.
County court authorized to appoint an as-		Duties of said assessor,	2
essor for the city of St. Louis,	1	How he shall be qualified,	3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of the county of St. Louis is hereby authorized and empowered to appoint an assessor for the city of St. Louis.

§ 2. It shall be the duty of said assessor to assess the State and county revenue on all persons and property within the city of St. Louis, made taxable by law.

§ 3. He shall be qualified as other assessors of the State and county revenue are required by law to be qualified.

This act shall take effect from and after its passage.

APPROVED, Jan. 31, 1845.

REVENUE.

AN ACT to enable the Auditor of Public Accounts to settle with the collectors of the Revenue.

Sheriffs who have not paid in the Revenue for 1844, allowed a certain time to do so; and allowed certain perquisites on certain conditions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Any sheriff or sheriffs, who may not have settled and paid into the State treasury the amount of revenue charged to them for the year A. D., 1844, shall make their settlement or settlements with the successor of the present Auditor, and they shall be allowed their commissions and mileage for collecting and paying over the revenue, provided they settle and pay in the full amount charged to them for 1844, and any preceding year, on or before the first day of March next.

This act to take effect from its passage.

APPROVED, Feb. 15, 1845.

REVENUE.

AN ACT concerning the Revenue.

SECTION.	SECTION.
The county court of Platte empowered to appoint an assessor for certain purposes, 1	Said assessor to give bond, his duties, 2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the county court of Platte county may appoint some suitable person to assess taxes upon such persons and their property in said county as was liable to taxation in the year eighteen hundred and forty-four, but who were not called on by the assessor for that year, and have, in consequence thereof, paid no tax for said year.

§ 2. Such person, so appointed, shall collect the amount of taxes so assessed under the order of said court, first giving bond for the faithful discharge of his duties, and the sums so collected shall be disposed of according to the laws now in force.

This act shall take effect and be in force from and after its passage.

APPROVED, February 25, 1845.

REVENUE.

AN ACT to refund certain money to the county of Van Buren.

SECTION.	SECTION.
\$58 50 allowed to the county of Van Buren for taxes overpaid, 1	Said sum may be paid to any authorized agent, 2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer of this State for the sum of fifty-eight dollars and fifty cents in favor of the county of Van Buren, being the amount of revenue overpaid by the tax payers of said county for the year 1843.

§ 2. The amount above stated may be paid to any person authorized by the county court of Van Buren county to receive the same.

This act to take effect from its passage.

APPROVED, March 24, 1845.

REVENUE.

AN ACT to further provide for the collection of Revenue in and for the county of Cole for the year 1844.

Time allowed the sureties of J. D. Williams, deceased, collector of Cole for 1844, to pay in State and county revenue.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the sureties of the late John D. Williams in his official bond, as collector of the revenue in the county of Cole, for the year eighteen hundred and forty-four, be allowed until the first Monday in May next to pay said revenue into the State and county treasury, upon the same terms and in the same manner as though such revenue was paid by the first of April next.

This act shall take effect from its passage.

APPROVED, March 24, 1845.

REVENUE.

AN ACT respecting the collectors of the Revenue in Ripley county.

SECTION.	SECTION.
B. F. Carter, collector of Ripley, empowered to collect certain taxes due from the citizens of Ripley and Oregon, for the year 1842,	Said Carter required to return the amount of certain receipts to the auditor, 3
Tax book for 1842 to be delivered to said Carter. His duties and compensation for the performance thereof,	Persons liable to be taxed under this act; taxes hitherto paid allowed as a credit to said collector, 4 J. W. Morrow, former collector, released from all liabilities, on certain conditions, 5

Whereas, it is represented to this General Assembly, that John W. Morrow, late collector of Ripley county, failed to collect the greater part of the revenue of said county of Ripley for the year 1842, and a distress warrant issued against said Morrow and his securities for the amount of said revenue, which warrant has been returned by the sheriff of Ripley county, no goods, chattels or effects found of the said Morrow, or his securities, whereon to levy and make good any of the amount of said warrant; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. B. F. Carter, collector of the revenue in the county of Ripley, be and he is hereby authorized and required to collect any balance of taxes due from the citizens of Ripley and Oregon counties for the year 1842, the same as though the county of Oregon had not been organized, and account for and pay over the same, as hereinafter provided, and be bound to execute bond in like manner as other collectors, and be governed in all respects by the laws now in force, respecting the collectors of the revenue.

§ 2. If the said Morrow has in his possession the tax book for the year 1842, he is hereby required to deliver it over to the said collector of Ripley county; if not, it shall be the duty of the clerk of the county court, to make out from the assessor's book, a tax book for the year 1842, and deliver it over to the present collector of Ripley county, as in other cases

is provided concerning tax books, and the said collector shall proceed to collect the tax due on said tax book from all who have not paid their tax for the year 1842, within said counties of Ripley and Oregon, and shall pay into the county treasury of Oregon county her proportion of the county revenue thus collected; and if said collector shall pay into the State treasury the amount of State revenue thus collected, on or before the first Monday in January, 1846, the Auditor of Public Accounts shall settle with said collector, make him the same allowance for commission and mileage, as is allowed by law to other collectors of the revenue.

§ 3. It shall be the duty of said collector to make out a list of the amount of all receipts which may be presented to him of said Morrow, former collector, and return the amount so made out to the Auditor of Public Accounts, at the time of paying in the revenue.

§ 4. The said collector shall not collect the said taxes from any person who has paid his said taxes, either to the said late sheriff or to either of his said securities, at any time prior to the passage of this act; but the amount so paid shall be allowed as a credit to said collector on his settlement with the Auditor.

§ 5. If said Morrow or his securities shall pay into the State treasury, on or before the 1st day of February, 1846, the full amount of tax, thus collected by said Morrow, with interest at the rate of ten per cent. per annum, together with all costs, it shall release the said Morrow and his securities from all liabilities on his official bond.

This act to be in force from its passage.

APPROVED, March 26, 1845.

REVISED LAWS—COMMISSIONER OF.

AN ACT to provide for the election and compensation of a commissioner to superintend the printing of the Revised Laws.

SECTION.	SECTION
Commissioner to superintend the publication of the Revised Laws, how and when	to be appointed, 1 Compensation allowed said commissioner, 2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. There shall be appointed by joint vote of the two houses of the General Assembly at their present session, some competent person as a commissioner, to direct and superintend the publication of the Revised Laws of this State.

§ 2. The said commissioner shall be entitled to receive from the State, for his services, the sum of three dollars per day for each day he may be engaged in performing the duties required of him by law, to be audited and paid as other demands against the State treasury, out of any money in said treasury not otherwise appropriated.

This act to take effect from and after its passage.

APPROVED, March 26, 1845.

RIVERS.

AN ACT *declaring Platte river a public highway.*

A certain part of Platte river declared a public highway.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Platte river shall be, and the same is hereby, declared a public highway, from Whitson's mills, on said river, to its mouth.

This act to take effect and be in force from its passage.

APPROVED, Jan. 14, 1845.

RIVERS.

AN ACT *to declare certain rivers public highways.*

Parts of the rivers Marias des Cygnes, Marmiteaux, and Little Osage, declared public highways.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That portion of the "Marias des Cygnes" river in the State of Missouri, shall be and the same is hereby declared a public highway; and that Marmiteaux and Little Osage rivers be and the same are hereby declared public highways up to Ball's mill.

APPROVED, Feb 1, 1845.

RIVERS.

AN ACT *declaring the Grand Chariton a public highway.*

Grand Chariton river declared a public highway.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the Grand Chariton river is hereby declared a public highway from its mouth, where it empties into the Missouri river, to the northern boundary of the State of Missouri; *Provided, however,* that this act shall not be so construed as to affect the right of any person or persons who now have, or may hereafter have, a grist mill or other machinery constructed on said river.

This act to take effect from and after its passage.

APPROVED, March 5, 1845.

RIVERS.

AN ACT to repeal "An act declaring a portion of Spring river a public highway,

A certain act, declaring a part of Spring river a public highway, repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That all that portion of Spring river, which was declared a public highway, by an act approved January the second, eighteen hundred and forty-three, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

ROAD AND CANAL FUND.

AN ACT to authorize the county court of Wayne county to borrow money

County court of Wayne authorized to borrow from the road and canal fund.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the county court of the county of Wayne is hereby authorized to borrow so much of the three per cent. fund as will be sufficient to build a new court house and a new jail, in said county of Wayne, or so much only as will be sufficient to repair the old court-house and the old jail, at the discretion of the said county court.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 14, 1845.

ROAD AND CANAL FUND.

AN ACT to allow the county court of Henry county to borrow certain money from the road and canal fund of said county.

SECTION. I		SECTION.	
County court of Henry authorized to borrow a certain sum, for certain purposes, from the road and canal fund		Rate of interest of said bonds. Duties of the county treasurer and clerk in relation thereto.	
	1	Term of the loan	3
Bonds to be issued for said loan	2	The interest, &c., paid, shall be loaned out	4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of Henry county is hereby authorized to borrow, in the name of said county, the sum of five hundred dollars, of the road

and canal fund belonging to said county, for the purpose of paying the debts of said county.

§ 2. The county court of said county, upon borrowing said fund, shall cause the bond of said county to be executed, payable to the State of Missouri, for the use of the road and canal fund of said county, which bond shall state the time, terms and amount of said loan, and shall be signed by the presiding justice of the county court of said county, and attested by the seal of said court.

§ 3. Said bonds shall bear interest at a rate not less than six per centum per annum, nor more than ten, and shall be delivered to the treasurer of said county, who shall be charged therewith, and the clerk shall keep full and fair accounts of all such bonds; and once in each year the said court shall adjust said accounts, liquidate the same, and pay the interest due thereon; the whole amount to be refunded within five years to the road and canal fund of said county, as the interest of the county may require.

§ 4. The interest, or any other portion, which may be paid in, shall be loaned as the road and canal fund is now directed by law to be loaned.

This act to take effect from its passage.

APPROVED, Jan. 31, 1845.

ROAD AND CANAL FUND.

AN ACT to authorize the county court of Dallas county to borrow the road and canal fund belonging to said county.

SECTION.	SECTION
County court of Dallas empowered to borrow the road and canal fund, for a certain purpose.	Rate of interest of said bonds. Duties of the county treasurer and clerk in relation thereto. Special tax may be levied to pay off said loans.
Bonds to be issued for said loan.	3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of Dallas county is hereby authorized to borrow, in the name of said county, the road and canal fund belonging to said county, as well that which may accrue within the next twelve months as that already in possession, to be appropriated and applied in erecting a court house in said county, if in their opinion the interest of the county requires it.

§ 2. The county court of said county, upon borrowing said fund, shall cause the bonds of said county to be executed, payable to the State of Missouri, for the use of the road and canal fund of said county, which bonds shall state the time, terms, and amount of the loan, and shall be signed by the presiding judge of the county court of said county and attested by the seal of said court, or private seal, as the case may be.

§ 3. Said bonds shall bear interest at the rate of ten per centum per

annum, and shall be delivered to the treasurer of said county, who shall be charged therewith, and the clerk shall keep full and fair accounts of all such bonds; and once in each year the said county court shall adjust said accounts, liquidate the same, and pay the interest thereon, or issue new bonds therefor; and said county court shall have power to levy a special tax for the purpose of refunding the said loans, whenever they shall think that the interest of the county shall require the same to be done.

This act to take effect and be in force from and after its passage.

APPROVED, Jan. 31, 1845.

ROAD AND CANAL FUND.

AN ACT supplemental to "an act to authorize the county court of Wayne county to borrow money;" approved, January 14th, 1845.

	SECTION.	
Rate of interest on the loan fixed,	1	loan,
Special tax may be levied to pay off said		

SECTION.
2

Be it enacted by the General Assembly of the State of Missouri, as follows

§ 1. That when the money, authorized to be borrowed by the act above recited, is obtained by the county court, the said court shall either give the bond of the county of Wayne to the State of Missouri, for the amount thus borrowed, bearing ten per centum per annum, or the said court shall make an order on its records, stating the amount borrowed, and directing that the sum thus obtained shall bear interest at the rate of ten per centum per annum, and information of such order shall be given to the county treasurer, who shall charge the county accordingly, and in case bond be given as aforesaid, the same shall be deposited with the county treasurer.

§ 2. Whenever it may become necessary to refund the amount thus borrowed, the county court shall have power to levy a tax upon the persons and things made taxable by law for State purposes, in order to collect the debt thus due and the interest accruing thereon.

This act to take effect from and after its passage.

APPROVED Feb. 22, 1845.

ROAD AND CANAL FUND.

AN ACT to authorize the county court of Pulaski county to borrow the road and canal fund belonging to said county.

	SECTION.		SECTION.
The county court of Pulaski may borrow	1	poses,	1
the road and canal fund for certain pur-		County bonds to be issued for said loan,	2

Rate of interest of said bonds, duties of
the county clerk and treasurer in rela-

tion thereto; special tax may be levied
in payment thereof,

3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of Pulaski county is hereby authorized to borrow, in the name of said county, the road and canal fund belonging thereto, as well that which may hereafter accrue to said county as that already in her possession, to be appropriated and applied in erecting a court house and jail, or either, as in their opinion the interest of the county may require.

§ 2. The county court of said county, upon the borrowing of said fund, shall cause the bonds of the county to be executed, payable to the State of Missouri, for the use of the road and canal fund of said county, which bonds shall state the time, terms and the amount of the loan, and shall be signed by the presiding justice of the county court of said county, and attested by the seal of said court.

§ 3. Such bonds shall bear interest at the rate of ten per centum per annum, and shall be delivered to the treasurer of said county, who shall be charged therewith, and the clerk shall keep full and fair accounts of all such bonds; and once in each year the said county court shall adjust said accounts, liquidate the same and pay the interest thereon, or issue new bonds therefor, and said county court shall have power to levy a special tax for the purpose of refunding the said loan whenever they shall think that the interest of the county shall require the same to be done.

This act shall be in force from and after its passage.

APPROVED, Feb. 27, 1845.

ROAD AND CANAL FUND.

AN ACT legalizing certain acts of the county court of Cape Girardeau county.

The borrowing, by the county court of Cape Girardeau, of certain sums from the road and canal fund, legalized.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The action of the county court of Cape Girardeau county, at a court held on the eighteenth day of January, eighteen hundred and thirty-eight, borrowing the sum of three thousand dollars from the road and canal fund for the purpose of building a court house for said county, and the further action of said county court on the twenty-third day of March, eighteen hundred and thirty-nine, in borrowing from said fund for a similar purpose, the further sum of two thousand dollars, are hereby legalized; and each of said loans shall bear an interest at the rate of ten per centum per annum from the respective dates thereof.

This act shall take effect from its passage.

APPROVED, Feb. 27, 1845.

ROAD AND CANAL FUND.

AN ACT to authorize the county court of Bates county to borrow the road and canal fund.

SECTION.		SECTION.
The county court of Bates may borrow their road and canal fund for certain purposes, County bonds issued therefor,	1	Rate of interest, duties of county clerk and treasurer in relation thereto, 3
	2	A special tax may be levied to pay the bonds, 4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the county court of Bates county is hereby authorized to borrow, in the name of said county, the road and canal fund now belonging, or that may hereafter belong to said county, for the purpose of aiding said county in the erection of a court house and jail.

§ 2. The county court of said county, upon the borrowing of said fund, or any part thereof, shall cause the bonds of the county to be executed, payable to the State of Missouri, for the use of the road and canal fund of said county, which bond or bonds shall state the sum borrowed, the rate of interest, and shall also refer to this act as authority for said loan, which bonds shall be signed by the presiding justice of said court, and countersigned by the clerk, and shall be under the seal of the court.

§ 3. Such bonds shall bear interest from the date thereof, at the rate of ten per cent. per annum, and shall be delivered to the treasurer of said county, who shall be charged therewith, and the clerk shall keep a full and fair account of all such bonds ; and at the end of the year from the execution of said bonds, the said county court shall adjust said accounts, liquidate the same, and pay the interest thereon, or execute a new bond, adding the interest of the preceding year to the principal, which amount shall constitute the principal for the second year, and so at the end of every subsequent year, until the whole of the sum shall be paid by said county.

§ 4. Whenever the court shall think that the interest of said county requires it, said court shall have power to levy a special tax for the purpose of discharging said loan.

This act to take effect and be in force from and after its passage.
APPROVED, Feb. 28, 1845.

ROAD AND CANAL FUND.

AN ACT concerning the Road and Canal Fund of Camden county.

SECTION.		SECTION.
The State Treasurer required to pay a certain county warrant out of the share of the Road and Canal Fund due the coun-	1	ty of Camden. Said warrant to be paid to said county as part of said fund. 1
	2	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Treasurer of this State shall, upon the presentation of the warrant hereinafter specified, pay out of the road and canal fund heretofore received, or which may hereafter be received from the Secretary of the Treasury of the United States, and to which the county of Camden may be entitled, to the holder of said amount, the sum of thirty-five dollars and ninety-two cents, together with the interest on the same—the amount of warrant numbered twenty (20) and drawn by H. Bollinger, President, and attested by J. N. B. Dodson, clerk of the Camden county court, upon the treasurer of said county, and payable to George W. Robertson out of the three per cent. fund belonging to said county.

§ 2. Upon the application of the agent or person legally authorized to receive the road and canal fund of said county, the Treasurer shall deliver to said agent the warrant herein mentioned, as a part of said fund, which shall be received by said county of Camden as such, for, the sum above mentioned.

This act to take effect from its passage.

APPROVED, Feb. 28th, 1845.

ROAD AND CANAL FUND.

AN ACT for the county of Crawford to borrow from the Road and Canal Fund.

County court of Crawford authorized to borrow the Road and Canal Fund.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the county court of Crawford county is hereby authorized to borrow from the road and canal fund belonging to said county, the sum of one hundred dollars, for county purposes, which said sum shall be reimbursed to the road and canal fund of said county of Crawford, at such time and in such manner as the county court of said county may direct.

This act to be in force from and after its passage.

APPROVED, March 5, 1845.

ROAD AND CANAL FUND.

AN ACT to authorize the County Court of New Madrid county to borrow the Road and Canal Fund belonging to said county.

SECTION.
County Court of New Madrid authorized to borrow the Road and Canal Fund for certain purposes.

County bonds to be issued for said loan.

1

2

SECTION.
Rate of interest of said bonds. Duties of the county treasurer and clerk in relation to the same. A special tax may be levied to pay the bonds.

3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of New Madrid county, is hereby authorized to borrow in the name of said county, the road and canal fund belonging thereto, as well as that which may hereafter accrue to said county, as that already in her possession, to be appropriated in erecting a jail in said county, if in their opinion the interest of the county require it.

§ 2. The county court of said county upon the borrowing of said fund, shall cause the bonds of the county to be executed, payable to the State of Missouri, for the use of the road and canal fund of said county; which bonds shall state the time, terms and amount of the loan, and shall be signed by the presiding judge of the county court of said county, and attested by the seal of the court.

§ 3. Such bonds shall bear interest at the rate of ten per cent. per annum, and shall be delivered to the treasurer of said county, who shall be charged therewith; and the clerk shall keep full and fair accounts of such bonds, and once in each year the said county court shall adjust said accounts, liquidate the same, and pay the interest thereon, or issue new bonds therefor; and said county court shall have power to levy a special tax for the purpose of refunding said loans, whenever they shall think that the interest of the county shall require the same to be done.

This act to take effect and be in force from and after its passage.

APPROVED, March 5, 1845.

ROAD AND CANAL FUND.

AN ACT to authorize the county court of Shannon county to borrow the Road and Canal Fund.

SECTION.		SECTION.
County court of Shannon may borrow the road and canal fund.	1	Rate of interest on said bonds. Duties of the county treasurer and clerk in relation to the same.
	2	
County bonds to be issued therefor.		3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of Shannon county is hereby authorized to borrow in the name of said county the road and canal fund belonging to said county, to be appropriated and applied as said court shall deem for the interest of said county.

§ 2. The county court of said county, upon borrowing said fund, shall cause the bonds of said county to be executed, payable to the State of Missouri, for the use of the road and canal fund of said county, which bonds shall state the time, terms and amount of the loan, and shall be signed by the presiding judge of said county court, and attested by the seal of said court.

§ 3. Said bonds shall bear interest at a rate not less than six per cent. nor more than ten, as may in the opinion of said court be for the best interest of said county, and shall be delivered to the treasurer of said

ROAD AND CANAL FUND.

county, who shall be charged therewith; and the clerk shall keep full and fair accounts of all such bonds, and once in each year the the said county court shall adjust said accounts, liquidate the same and pay the interest due thereon, and also at the same time in each year pay one-fifth part of the amount borrowed, so that the whole amount shall be refunded in five years; Provided the whole amount may be paid sooner than five years, if the interest of the county shall require it.

This act to take effect and be in force from and after the passage.

APPROVED, March 10, 1845.

ROAD AND CANAL FUND.

AN ACT relative to the road and canal fund of Perry and Ste. Genevieve counties.

The county courts of Perry and Ste. Genevieve may borrow their road and canal fund to open a certain State road.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county courts of the counties of Perry and Ste. Genevieve are hereby authorized and empowered to appropriate and use the road and canal fund belonging to said counties, or so much thereof as shall be necessary to the surveying and opening of a State road, as lies in the counties aforesaid, established by an act of the General Assembly of this State, entitled "an act to establish a State road from John Warrens, [Warner's] in the county of Jefferson, to Jackson, in the county of Cape Girardeau," approved January 31st, 1845; Provided, however, that each county shall pay the expenses incurred by so surveying and opening said road within their respective limits, and not otherwise.

This act shall take effect and be in force from and after its passage.

APPROVED, March 12, 1845.

ROAD AND CANAL FUND.

AN ACT to authorize the county court of Taney county to borrow the road and canal fund of said county.

	SECTION		SECTION.
The county court of Taney may borrow their road and canal fund for certain purposes.	1	Rate of interest on the bonds.	Duties of county clerk and treasurer in relation thereto. A special tax may be levied to pay the same
County bonds to be issued for the same	2		3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of Taney county is hereby authorized to borrow, in the name of said county, the road and canal fund belonging thereto, as

well as that which may hereafter accrue to said county, as that already in her possession, to be appropriated and applied in erecting a court house and jail, or either, as in their opinion the interest of the county may require.

§ 2. The county court of said county, upon the borrowing of said fund, shall cause the bonds of the county to be executed, payable to the State of Missouri, for the use of the road and canal fund of said county, which bonds shall state the time, terms and amount of the loan, and shall be signed by the presiding justice of the county court of said county, and attested by the seal of said court.

§ 3. Such bonds shall bear interest at the rate of ten per cent. per annum, and shall be delivered to the treasurer of said county, who shall be charged therewith; and the clerk shall keep full and fair accounts of all such bonds; and once in each year, the said county court shall adjust said accounts, liquidate the same and pay the interest thereon, or issue new bonds therefor; and said county court shall have power to levy a special tax, for the purpose of refunding said loans, whenever they shall think that the interest of the county shall require the same to be done.

This act shall take effect and be in force from and after its passage.

APPROVED, March 17, 1845.

ROAD AND CANAL FUND.

AN ACT concerning the road and canal fund of Andrew county.

The county court of Andrew may borrow the road and canal fund for a certain purpose.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county court of the county of Andrew be, and are hereby authorized to borrow the road and canal fund belonging to said county, for the purpose of building and completing the court house of said county; and said fund shall be reimbursed to the road and canal fund of said county, by said county of Andrew, at such time and in such manner as the county court of said county may direct.

This act to be in force from its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT for a change of a State road.

SECTION.		SECTION.	
Change of part of the State road from Springfield to Bolivar, and a description thereof	1	Road to be opened 30 feet wide	3
		Part of the present road vacated; description thereof	4
Commissioners appointed. Plat and field notes to be filed with the county clerk.	2	Vacancies in the office of commissioner, how filled	5
Compensation of Commissioners.			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That so much of the State road leading from Springfield, in Greene county, to Bolivar, in Polk county, is hereby altered: commencing on said State road at Wilson Hackney's field, one mile and a half north of Springfield; thence in a northern direction by the house of Brackstone H. Bills; thence from said Bills' house, in a north-western direction, to intersect the present State road.

§ 2. Jonathan Carthill, Henry Fulbright and Wyatt Sanford, of Greene county, are hereby appointed commissioners to survey and mark out said road; and a plat of the alteration of said road, and the field notes of the same shall be filed in the office of the clerk of the county court of Greene county; and said commissioners shall each receive one dollar per day for their services, to be paid out of the road and canal fund of the county.

§ 3. It shall be made the duty of the county court of Greene county, as soon as the plat and field notes of said survey shall be filed in the office of the clerk, as aforesaid, to cause said road to be opened at least thirty feet wide, and kept up as other State roads.

§ 4. All that portion of the present State road that lies between the point of beginning and the point of intersection of the alteration, according to the provisions of this act, is hereby vacated.

§ 5. If a vacancy shall occur, from any cause, the remaining commissioner or commissioners shall have power to fill such vacancy.

This act to take effect and be in force from and after its passage.

APPROVED, Jan 8, 1845.

ROADS—STATE.

AN ACT to declare a certain road a State road.

A certain county road from Weston to Platte city, declared a State road.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the present traveled county road between Weston and Platte city, in Platte county, being the road which passes by the farms of William J. Norriss, George B. Saunderson, and Mrs. Cooper, be, and the same is hereby declared to be a State road, to be opened and kept in repair agreeable to the provisions of the general law on the subject of State roads.

This act to be in force from and after its passage.

APPROVED, January 14, 1845.

ROADS—STATE.

AN ACT to view out and mark a State road from Weston, in Platte county, to Saint Joseph, in Buchanan county.

	SECTION.		SECTION.
Commissioners appointed. Their duties and time and place of meeting,	1	&c., to be governed by the general road law,	3
Their compensation, and how it is to be paid,	2	Either commissioner, if a surveyor, to perform the duties thereof,	4
Commissioners, county courts, road hands,		Relative to the time of meeting,	5

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Leonard C. Prunty, of Platte county, William Flannery, jr., and James Carter, of Buchanan county, be and they are hereby appointed road commissioners, whose duty it shall be to meet at Weston, in Platte county, on the first Monday of April next, and from thence to view and mark out a State road, by way of Bloomington, to Saint Joseph, in Buchanan county.

§ 2. Said commissioners shall each receive two dollars per day out of the Three per cent. fund, which shall hereafter become due, each county to pay in proportion to the length of the road in the same.

§ 3. Said commissioners, the county courts of said counties, and those who may be liable to work on said road, shall in all respects be governed by the general road law now in existence, prescribing the mode of opening State roads, approved February twelfth, eighteen hundred and thirty-nine; *Provided*, that should an act pass at this General Assembly to view out and mark another State road from Weston to Saint Joseph, the hands required to work on one road shall not also be required to work on the other road.

§ 4. Should one of the commissioners be a surveyor, he shall perform the duties thereof, if a surveyor be required, without additional compensation.

§ 5. If said commissioners fail to meet at the time mentioned in the first section of this act, they may meet at any time within sixty days thereafter, and proceed to discharge their duty as required by this act.

This act shall take effect and be in force from and after its passage.

APPROVED, January 14, 1845.

ROADS—STATE.

AN ACT to change a certain portion of a State Road.

	SECTION.		SECTION.
Part of a State road from Springfield to Fayetteville, in Arkansas, altered. Description thereof,	1	filed in county clerk's office,	2
Commissioners appointed. Their compensation. Plat and field notes to be		Road to be opened not less than 30, nor more than 60 feet wide,	3
		A certain part of the present road vacated,	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That so much of a State road leading from Springfield, in Greene county, to Fayetteville, in Arkansas, is hereby altered, (viz :) leaving the present survey at the four mile post, south of Springfield, bearing south, and continuing the present route now travelled, until it intersects the survey a distance of about one quarter of a mile from the place of beginning.

§ 2. Bryant T. Nowlin, Benjamin W. Canefax, and James Dolison, of Greene county, are hereby appointed commissioners to survey and mark out the alteration of said road; and the field notes, together with a plat of the same, shall be filed in the office of the clerk of the county court of Greene county; and said commissioners shall each receive one dollar per day for their services, to be paid out of the road and canal fund of the county.

§ 3. It shall be the duty of the [county] court of Greene county, as soon as the plat and field notes of said survey shall be filed in the office of the clerk aforesaid, to cause said road to be opened at least thirty, and not over sixty feet wide, to be opened and kept up as other State roads.

§ 4. All that portion of the present State road, that lies between the point of beginning, and point intersecting of the alteration, according to the provisions of this act, is hereby vacated.

This act to take effect and be in force from and after its passage.

APPROVED, January 14, 1845.

ROADS—STATE.

AN ACT declaring a certain county road in Lewis county a State road.

The county road from Lagrange to Lay's bridge declared a State road.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the present county road, leading from Lagrange, on the Mississippi river, in Lewis county, to Lay's bridge, on the north Fabius river in said county, be, and the same is hereby declared a State road, to be opened and kept in repair agreeable to the provisions of the general law on the subject of State roads.

This act shall be in force from its passage.

APPROVED, Jan. 17, 1845.

ROADS—STATE.

AN ACT to establish a State road from John-Warren's, [Warner's] in Jefferson county Jackson, in Cape Girardeau county.

	SECTION		SECTION
The county road leading from Herculaneum to Ste. Genevieve, or a certain part thereof, declared a State road.	1	tain conditions Compensation of commissioners, surveyor and his assistants	5 6
Commissioners appointed. Their time and place of meeting and their duties	2	Expenses of survey, &c. how paid	7
Plats to be made out, one for the Governor, and one for each of certain county courts	3	Oath to be taken by commissioners	8
Road to be opened at least 30 feet wide	4	Vacancies in the board of commissioners, how filled	9
Said road not to be changed except upon cer-		Secretary of State to send a notice and copy of this act to each commissioner.	10

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The present county road, leading from the town of Herculaneum, in Jefferson county, to the town of Ste. Genevieve, in Ste. Genevieve county, or so much of said road as leading from where the State road leading from Farmington to St. Louis crosses the Joackum creek, at or near John Warren's, (Warner's) in Jefferson county, to where the said county road crosses the Isle-au-bois creek, at or near William Meggitte's, in Ste. Genevieve county, be, and the same is hereby declared a State road.

§ 2. Henry S. Watts, of Ste. Genevieve county, Cornelius Manning, of Perry county, and John F. Clippard, of Cape Girardeau county, be, and they are hereby appointed a board of commissioners, who shall meet at the house of William Meggitte, in Ste. Genevieve county, on the first Monday of April next, and if they fail to meet on that day, then on some subsequent day thereafter, upon which they, or a majority of them, may agree, and then and there appoint a surveyor, two chain carriers, and blazer, and proceed to survey and mark out a State road, commencing where the above named road, leading from Herculaneum to Ste. Genevieve, crosses the Isle-au-bois creek, at or near William Meggitte's, in Ste. Genevieve county; from thence over the nearest and most practicable way to the town of Ste. Genevieve, in Ste. Genevieve county; from thence to the town of Perryville, in Perry county; from thence to the town of Jackson, in Cape Girardeau county.

§ 3. It shall be the duty of said board to make out plats of said road, when located, with the course and distance of the same marked thereon, one of which they shall transmit to the Governor, and one to the county court of each county through which the said road shall pass; also one copy to the county court of Jefferson county.

§ 4. The county court shall as soon as practicable after the receipt of said plats, cause the said road to be opened at least thirty feet wide, and kept in repair, according to the law in such cases made and provided.

§ 5. Said road shall not be changed or abolished, unless the same shall be done upon a petition of a majority of the inhabitants subject to work on roads in the county in which the change is proposed.

§ 6. The said commissioners shall each receive the sum of two dollars per day, the surveyor two dollars and fifty cents, the chain carriers and blazer each one dollar per day, for each day they shall be necessarily engaged.

§ 7. The county courts of the respective counties, through which the said road passes, shall cause all necessary expenses accruing under this act, to be paid out of the three per cent. fund, to the amount of the expenses thus accruing in its own county.

§ 8. The said commissioners shall, before entering on the duties of their office, take an oath before some judge or justice of the peace, for the faithful discharge of their duties as aforesaid.

§ 9. Should a vacancy occur in said board of commissioners, the remainder shall fill the same by the appointment of some suitable person from the county in which such vacancy occurs.

§ 10. It shall be the duty of the Secretary of the State to transmit a notice, together with a copy of this act, to each of the above named commissioners, immediately after the passage of this act.

This act to take effect from and after its passage.

APPROVED, Jan. 31, 1845.

ROADS—STATE.

AN ACT establishing and keeping in repair roads and highways in the counties of Lincoln, Pike, and Montgomery.

SECTION.	SECTION.
Roads and highways in Lincoln, Pike, and Montgomery counties, how opened, &c.	11
Powers of the county courts in relation thereto.	12
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That all public roads and highways in the counties of Lincoln, Pike and Montgomery, shall be established opened, and repaired agreeably to the provisions of this act, and the county courts of said counties shall have power and authority to make and enforce all orders, as well to establish and open new roads, as to change or vacate any established road or part thereof in said counties.

§ 2. Whenever it becomes necessary in order to make a new road, or to establish an existing road, which has not been lawfully established, or the plat whereof has been lost, or is imperfect or uncertain in any important particular, the county court of the proper county shall appoint not less than three nor more than five commissioners, and assign a day and place for them to meet, a copy of whose appointment under the hand of the clerk shall be served on them by the sheriff, as soon as practicable after the expiration of the term at which it is made.

§ 3. The said commissioners or a majority of them, shall thereupon call to their aid a surveyor, chain carriers and such other assistants as may be necessary, and proceed to view, survey, locate and mark out the road proposed or indicated in their order of appointment, and shall locate the same on the most direct and practicable route, having due regard to the ground over which the road may run, and as great regard to the convenience of individuals as may be consistent with the public interest.

§ 4. The said commissioners or a majority of them, before entering upon the duties of their office, shall make and subscribe before some competent officer an affidavit, faithfully and diligently to perform without favor or partiality, the duties enjoined upon them by this act, and the order of their appointment, which affidavit shall be drawn in blank by the clerk of the county court, and sent attached to the copy of their order of appointment.

§ 5. The commissioners, surveyors, and chain carriers, employed under the authority of this act, shall receive such suitable compensation as the county court may think proper to allow, to be paid out of the county treasury or the three per cent. fund of the county.

§ 6. The surveyor shall cause the route fixed upon by the commissioners to be correctly surveyed and measured, and shall make out under the direction of the commissioners a correct plat of the route surveyed, together with such topographical information as may be deemed important, which plat together with a full report of their proceedings shall be filed by the commissioners in the office of the clerk of the county court, on or before the first day of the next term after their appointment.

§ 7. The commissioners appointed under this act, for locating roads and highways, are authorized and required to take relinquishments in writing from all owners of land over which the road may run, and such relinquishments shall be acknowledged or witnessed as deeds for the conveyance of land are by law required to be, and shall include a quantity of ground sufficient to make the road of the width required by the order of the court, and all such relinquishments shall be taken to the county.

§ 8. In every case where a relinquishment of the right of way is refused, or the owner is a minor, or non-resident of the county, or cannot be found therein by the commissioners at the time of review, they shall assess the damages, if any, which they may think will result to any such proprietor of land through which said road may run, taking into consideration the advantages as well as disadvantages of said road, and report to the county court, at their next term, the quantity and location of lands

relinquished for public use, and the amount of damages assessed, and for what land, and to whom assessed.

§ 9. Any persons owning land through which the route is located, who may consider themselves aggrieved by the assessment of damages by the commissioners, may, by themselves or their agents, or the guardians of such as are minors at the time of the court at which the report of the commissioners is made, file objections in writing to said assessment; and the court shall thereupon order the sheriff to summon a jury of twelve disinterested house holders of the county, who, being duly sworn to perform the duties required of them by this act, and without favor or partiality, to assess the damages sustained by the said objector or objectors, (which oath may be administered by the sheriff,) shall proceed to examine the ground and make such assessment, and make and deliver to the sheriff a report in writing thereof under their hands, which shall be filed at the next term of the county court; and the lands relinquished or condemned, as aforesaid, shall forever be considered a public highway, unless altered, changed or annulled by authority of law; and if the amount of damages assessed by the jury as aforesaid, be the same or less than the amount assessed by the commissioners, the person or persons objecting to the assessment of the commissioners, shall be adjudged to pay the costs, and if more, the costs shall be paid by the county, and the damages assessed, and all costs incurred on behalf of the county under this act, shall be paid either out of the county treasury or the road and canal fund, and the county court shall draw their warrant for the same accordingly.

§ 10. The county court shall have power and authority to alter, change or establish the route of any State road heretofore reviewed in said counties, not to vary more than eight hundred yards at any one point, from the route originally reviewed, and for that purpose may appoint three commissioners, who may proceed in the same manner and with like effect, as is provided in the foregoing sections of this act, except that relinquishments of the right of way shall be taken to the State, instead of the county.

§ 11. It shall be the duty of the county courts to lay off the counties into convenient road districts, numbering the same, and may alter and change the same as often as they may deem necessary, and to appoint an overseer for each road district, and prescribe and award the amount of his compensation, who shall be a person subject to work on roads, and shall serve one year, and until he satisfies the court that he has discharged his duties, and signifies to them his wish to resign his appointment, unless the court shall appoint some other in his stead.

§ 12. All able bodied male persons, between eighteen and forty-five years of age, who have resided in this State six months and in the county three months, shall be required to work in the opening and repairing of roads and highways at least two days in each year, under the directions of the overseers of the proper district.

§ 13. The county courts are required to expend the interest which may accrue annually on the road and canal fund of said counties, in the open-

ing, establishment and repair of such roads and highways, and the construction and repair of such bridges as they may deem of sufficient public utility.

§ 14. The county courts shall allot to the several overseers of the county a sufficient number of hands to enable them to open and repair their respective roads, and shall, as soon as may be after their appointment, cause them to be served by the sheriff with a copy of their appointment and a list of the hands allotted to them, certified under the hand of the clerk of the county court, which service shall be made by reading the said certified copy of their appointment and list of hands [allotted] to them, or delivering them an attested copy thereof, or by leaving the same at their usual place of abode with some white person over the age of fourteen years.

§ 15. Every road overseer, after having been duly notified of his appointment and served with a list of the hands allotted to him, who shall refuse to serve as such overseer, without a reasonable excuse, to be made known to the county court at their next term after he has been notified of his appointment, or wilfully fails to keep his road in good repair, or faithfully to appropriate any moneys which may come to his hands for the use of his road district, or to comply with any other duty as overseer required of him by law, or the order of the county court, shall forfeit and pay, for every such offence to the county, for the use of his particular road district, not less than five, nor more than twenty-five dollars, which may be recovered in the manner hereinafter directed; *Provided*, that such forfeiture, for failing to accept his appointment, shall exempt him from re-appointment for the term of twelve months from and after the date of its payment.

§ 16. If a forfeiture shall be incurred by any road overseer, in either of the modes specified in the last preceding section, the county court, either upon their own motion, or the affidavit of any credible person, filed in the court in term time, or the clerk's office, in vacation, charging that the particular road of which he is overseer is not in good repair, or has not been opened or cut out, as the case may be, (which affidavit need not give the name of the overseer or the number of the road district,) shall cause to be issued a citation against such overseer, briefly reciting the default or delinquency charged or existing against him, and requiring him to appear in court on some day of the next term, (to be named in such citation,) and answer the same, which citation shall be served in like manner as ordinary writs of summons, at least ten days before the appearance [day] therein named.

§ 17. If, for any cause, the said citation be not served, or not served in time, an alias citation may be issued by the court, and if any overseer, after having been duly served with such citation, fail to appear according to the requirement thereof, the court may compel his appearance by attachment.

§ 18. On the appearance of the overseer, either upon citation or attachment, the cause shall be tried on its merits in a summary manner, and

without the form of pleading forthwith, unless for good cause shown, the cause shall be postponed or continued by the court.

§ 19. Before proceeding to trial, either the road overseer or the attorney for the county, may demand a jury of twelve men to try the case, but if neither party require a jury, the cause shall be tried by the court, and if the overseer is found guilty, the jury, if one be required, or the court, if the cause is submitted to them, or the jury cannot agree as to the amount of the fine, shall assess the same, and judgment shall be rendered accordingly in favor of the county, to the use of his road district, against the overseer, for the amount thereof, together with costs; and if acquitted, the costs shall be paid by the county.

§ 20. In all other things connected with the roads in the said counties, the court, officers and all others shall be controlled by the general laws of the land on the subject of roads, except where the same may be inconsistent with the provisions of this act.

§ 21. Provided that this act shall not apply to State roads in Pike county; provided, also, that so much of the above act as relates to the apportionment of workers on roads, shall not apply to Pike county.

This act shall take effect and be in force from and after its passage.

APPROVED, Jan'y. 31, 1845.

ROADS—STATE.

AN ACT to view and mark out a State road in Marion and Shelby counties.

SECTION.		SECTION.	
Commissioners appointed to view a State road from Centerville to Hannibal. Their time and place of meeting, Oath to be taken by said commissioners, Said commissioners may alter the time of meeting, Vacancies in the board of commissioners,		how filled,	4
	1	Surveyor and his assistants to be appointed; plats to be made out; to whom sent,	5
	2	Road to be opened at least 40 feet wide,	6
	3	Compensation of said commissioners, surveyor and his assistants, how paid,	7

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Samuel B. Hardy, of the county of Shelby, James Riland, of the county of Macon, and Henry Shaw, of the county of Marion, be and they are hereby appointed road commissioners, whose duty it shall be to meet in the town of Centerville, in Macon county, on the second Monday in March, 1845, and from thence proceed to view and mark out a State road running the nearest and most practicable route in the direction of Hannibal, to intersect the State road leading from Shelbyville to Richard Sharp's, in Marion county, at the most practicable point on said road; thence running with said road to Sharp's; thence from Sharp's the nearest and most practicable route on to Hannibal, in Marion county, having due regard to private property, as well as to the ground over which said road passes.

§ 2. The above named commissioners, before entering on the duties assigned them by this act, shall severally take an oath before some officer authorized to administer the same, faithfully to perform the duties assigned them by this act.

§ 3. The commissioners appointed under this act, should they fail to meet on the day herein designated, shall meet on some other subsequent day prior to the first day of August, 1845, to be agreed on by said commissioners.

§ 4. Should a vacancy or vacancies occur in said board of commissioners, by any cause whatever, the remaining commissioners or commissioner, shall appoint some other suitable person or persons to act as such.

§ 5. Said board of commissioners shall appoint a surveyor and two chain carriers, to accompany them, and shall cause their surveyor to make out one complete plat of the road for the use of the county courts of the counties through which said road shall pass, and one for the Secretary of State, noting thereon the several courses and distances thereof.

§ 6. It shall be the duty of the county courts of the counties through which said road may pass, as soon as practicable after the receipt of said plats, to cause said road to be opened at least forty feet wide, by the hands subject to work on roads and highways in the respective counties, and that the same be kept in good repair.

§ 7. The commissioners and surveyor shall each receive for his services two dollars, and the chain carriers one dollar per day for each day they may be engaged in viewing and marking out said road, to be paid by the counties through which said road may pass, in proportion to the length of said road in the respective counties, out of their road and canal fund, the amount to be certified and sworn to by the commissioners.

This act to take effect from and after its passage.

APPROVED, Feb. 1, 1845.

ROADS—STATE.

AN ACT to view and mark out a State road from Donahoe's lane, in Boone county, to Parson's, in Cooper county.

SECTION.		SECTION.	
Commissioners appointed to view a State road from Donahoe's lane to Parsons'.	1	how filled,	2
Route of said road described,		Compensation of commissioners, survey-	3
Vacancies in the board of commissioners,		or and chain carriers,	

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That John W. Keiser, of the county of Boone, and John Combs and James Hill, of the county of Cooper, be and they are hereby appointed road commissioners, whose duty it shall be to meet at the town of Rocheport, in Boone county, on the first Monday in May next, or on some

subsequent day before the first day of October next, and shall from thence proceed, under the provisions of an act entitled "an act to provide the manner of opening State roads," approved February 12, 1839, to view and mark out a State road from the mouth of Donahoe's lane, about a half or three-fourths of a mile east of the town of Rocheport, to the eastern boundary of said town, at the termination of third street, near the Christian Church, thence to the ferry landing near the mouth of the Moniteau creek; thence from said ferry landing on the opposite side of the Missouri river, by Conner's mill, to intersect a State road leading from Boonville, in Cooper county, to Warsaw, in Benton county, at Jameson's, near — Parson's.

§ 2. Should any vacancy occur in the commissioners, the remaining commissioner or commissioners may fill the same by the appointment of some suitable person or persons from same county.

§ 3. The commissioners shall each receive two dollars, the surveyor two dollars, and the chain carriers one dollar for each day necessarily employed in discharge of their duties.

This act to take effect from and after its passage.

APPROVED, Feb. 1, 1845.

ROADS—STATE.

AN ACT to mark out a State road from Tippecanoe to Alexandria.

SECTION.		SECTION.	
1	Part of the State road from Savannah to the northern boundary of this State, vacated	3	paid
	Commissioners appointed to lay out a State road from Tippecanoe to Alexandria.		Proceedings to be regulated by the general road law
2	Their time and place of meeting	4	Secretary of State to give the commissioners notice of their appointment
	Compensation of said commissioners, how		

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All that portion of the State road from Savannah, the county seat of Andrew county, to the northern boundary line of this State, that lies between Tippecanoe, in Adair county, and the said northern boundary line, is hereby vacated.

§ 2. William Webster, of Adair county, and Alexander Smith, of Scotland county, are hereby appointed commissioners, whose duty it shall be to meet at Tippecanoe, in Adair county, on the third Monday in May next, or as soon thereafter as practicable, and proceed thence to mark out and survey a State road from Tippecanoe, aforesaid, by way of Memphis, the county seat of Scotland county, to Alexandria, on the Mississippi river, in Clark county, the nearest and most practicable route.

§ 3. The commissioners shall each receive two dollars per day, for each day they shall necessarily be engaged in the discharge of their duties as such, to be paid in equal proportion by the several counties through which said

road may run, according to the distance said road may run through each, respectively out of the road and canal funds.

§ 4. The commissioners, county courts and all persons liable to work said road, shall be governed in all other respects by the general road law now in force.

§ 5. The Secretary of State is hereby required to notify said commissioners of their appointment, immediately after the passage of this act.

This act to take effect from its passage.

APPROVED, Feb. 1, 1845.

ROADS—STATE.

AN ACT to survey and mark out a State road.

SECTION.		SECTION.	
A certain act establishing a State road from Fredericktown to Ste. Genevieve, revived, as far as it may be applicable	1	Compensation of said commissioners, surveyor, &c.; how paid	4
		Commissioners may change the time of meeting	5
		Vacancies in board of commissioners, how filled	6
Commissioners appointed to lay out said road. Their time and place of meeting	2		
Surveyor and his assistants to be appointed.	3		
His duties			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That an act entitled an act to establish a State road from Fredericktown, in Madison county, to Ste. Genevieve, in Ste. Genevieve county, approved February the seventeenth, eighteen hundred and forty-three, be, and the same is hereby revived, or so much of said act as may be applicable to said road, after the passage of this act.

§ 2. Be it further enacted, that Francois P. Deguire, of Madison county, Jacob McFarlan, of St. Francois county, and Peter Bloom, of the county of Ste. Genevieve, are hereby appointed commissioners, whose duty it shall be to meet at the town of Ste. Genevieve, in Ste. Genevieve county, on the first Monday of February, A. D. eighteen hundred and forty-five, and proceed to survey and mark out said road.

§ 3. The said commissioners shall employ some competent surveyor and two chain-carriers, whose duty it shall be to survey such road as said commissioners shall lay out, take field notes, mark out a plat of said road, noting and marking the most notable places on said road, and when they shall have completed said survey they shall return a plat of said road to the county court of each county through which said road passes.

§ 4. Said commissioners shall each receive one dollar and fifty cents per day for every day he shall be employed in laying out and marking said road, the surveyor two dollars, and the chain-carriers one dollar each per day, as above; and when they have completed said work, they shall make out their account against the counties of Madison and Ste. Genevieve for the time they shall be employed in said counties, respectively, and shall charge said

counties each with half the costs for laying out said road through the county of St. Francois, and on presenting said accounts, well attested, to the county courts of said counties, it shall be the duties of said courts to pay it out of the three per cent. fund or county treasury, at their option.

§ 5. Should the board of commissioners appointed by this act fail to meet on the day herein designated, the board shall meet at some subsequent time, to be agreed upon by the members composing said board.

§ 6. Should a vacancy occur in the board of commissioners herein designated, by any cause whatever, the commissioner or commissioners having met to perform the duties assigned them, shall fill the same by appointing some other person or persons to fill said vacancy.

This act to take effect from and after its passage.

APPROVED, Feb 4, 1845.

ROADS—STATE.

AN ACT to establish a State road from Warsaw to Fort Scott:

SECTION.	SECTION
Commissioners appointed to lay out a State road from Warsaw to Fort Scott. Time and place of their meeting. Route of said road indicated.	constructing said road. 4
Time of meeting may be changed. Vacancies how filled.	Oath to be taken by commissioners. Compensation allowed. 5
Surveyor and his assistants to be appointed. His duties.	Expenses to be paid by the several county courts out of the road and canal fund. 6
Road districts to be laid off, and overseers to be appointed. Width and manner of	Overseers to report to the county court, on oath. 7
	A certain act repealed. 8

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Green B. Redmon, of the county of Benton, Jacob Counce of the county of St. Clair, and Michael H. Jose of the county of Bates, be and they are hereby appointed road commissioners, whose duty it shall be to meet at the town of Warsaw, in Benton county, on the first Monday in June next, and from thence proceed to view, survey, and mark out a State road from the said town of Warsaw to Fort Scott, passing by the town of Osceola, in St. Clair county, and the county seat of Bates county; the said road to be laid off from point to point as mentioned in this section, on the most direct route, due regard being had to the ground over which said road shall pass, and most to the interest and convenience of the people, and as little as may be to the prejudice of individuals owning lands, farms or improvements on said route.

§ 2. Should the board of commissioners fail to meet on the day here-designated, then they shall meet on some subsequent day prior to the first day of October next, to be agreed upon by the said board; and should a vacancy occur in said board from any cause whatever, the remaining

commissioner or commissioners, shall fill such vacancy or vacancies by the appointment of some other suitable person or persons.

§ 3. Said commissioners shall appoint one competent surveyor and two chain carriers to accompany them, and shall cause their surveyor to make out one complete plat of the said road for each county, for the use of the county courts of the counties through which said road may pass, noting thereon the several courses and distances thereof, and shall be allowed four dollars for each map so made out.

§ 4. It shall be the duty of the county court of the several counties through which said road may pass, as soon as practicable after the receipt of said plats, to lay off said road into convenient road districts, and to appoint overseers thereon, and cause the road to be opened at least thirty feet wide, by the hands subject to work on roads and highways in their respective counties; to cause to be causewayed all low marshy ground, and bridge all small streams and hollows obstructing convenient passage on said road, when the bridge or causeway shall not exceed the value of fifty dollars, and cause the same to be kept in good repair at all times.

§ 5. The said board of commissioners, before entering upon the duties assigned in this act, shall make oath before some judge or justice of the peace for the faithful performance of their duties; the commissioners and surveyors shall each receive one dollar and fifty cents per day, for their services, for each day necessarily employed in the discharge of the duties imposed upon them by this act. The chain carriers shall be allowed one dollar per day.

§ 6. The county courts of the several counties through which said road may pass, shall pay the expenses accruing under this act, out of the road and canal fund belonging to their counties, proportionable to the length of the road in their respective counties, the amount to be certified by the affidavit of the commissioners.

§ 7. It shall be the duty of the overseers on said road to report at each regular term of the county court in their county, the condition of their road district under oath.

§ 8. The act entitled "an act to establish a State road from Warsaw, in Benton county, to Fort Scott," approved February 27th, 1843, is hereby repealed.

This act to take effect from and after its passage.

APPROVED, Feb. 6, 1845.

ROADS—STATE.

AN ACT to establish a State road from Carrollton, by way of Knoxville, to Plattsburg.

SECTION.		SECTION.
Commissioners appointed to lay out a State road from Carrollton to Plattsburg.—	Vacancies how filled. Proceedings gov-	3
Their time and place of meeting. Route indicated.	erned by the general road law,	4
Compensation allowed,	Oath to be taken by commissioners,	5
	Time of meeting may be changed,	

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Thomas Minnis, of Carroll county, Moses F. Rainwater, of Ray county, and Allen Denny, of Clinton county, be and are hereby appointed road commissioners, whose duty it shall be to meet in Carrollton, in Carroll county, on the first Monday in April next, and from thence proceed to view and mark out a State road by the way of Knoxville, in Ray county, to Plattsburg, in the county of Clinton, due regard being had to the ground over which said road shall pass, and to the advantages to be derived by the public, with the smallest possible injury to individuals; *Provided*, that the said road shall intersect the county road running from Colonel Hudgins, in Ray county, to Plattsburg, in Clinton county, and as near the residence of said Hudgins as may be; and the said county road, from the point of intersection aforesaid, to the town of Plattsburg, is hereby declared a State road.

§ 2. Said commissioners shall each receive two dollars per day, the surveyor the sum of two dollars per day, and the chain carriers one dollar per day, to be paid out of the road and canal fund, each county to pay in proportion to the length of said road in its limits.

§ 3. Said commissioners may fill any vacancy or vacancies that occur in this board; and said commissioners, and the county courts of said counties, and those who may be liable to work on said road, shall in all respects be governed by the general law prescribing the mode of opening State roads, approved 12th February, 1839.

§ 4. Said commissioners, before entering on the discharge of their duties, shall take an oath before some officer competent to administer oaths, faithfully to discharge the duties incumbent upon them under this act.

§ 5. Should said board of commissioners appointed by this act, fail to meet on the day herein designated, then they shall meet on some subsequent day agreed upon by said board aforesaid, or a majority of them. Said meeting to be called by said board prior to the first day of December next.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 12, 1845.

ROADS—STATE.

AN ACT to change a State road in Jackson and Van Buren counties.

SECTION.	SECTION.
Change a part of the State road from Burney's mill to John Cornetes, describ-	ed. 1
	The altered part of said road vacated. 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. So much of the State road leading from Burney's mill, in Van Buren county, to John Cornetes, in Jackson county, as lies at the point

where the said road crosses the Jackson county and Van Buren county line, so as to run with the line of said counties about six hundred yards west, to the dividing line between the lands of Hugh Paxton and Elijah Hooper; thence a north course between the lands of the said Paxton and Hooper, on a straight line where it will intersect the old road on the south side, east side of James Wilson's farm.

§ 2. So much of said road as is changed by the foregoing section is declared vacated.

This act to take effect from and after its passage.

APPROVED, February 12, 1845.

ROADS—STATE.

AN ACT to establish a State road from Brunswick, in Chariton county, to Savannah, in Andrew county, through Kingston, Far West and Rochester.

	SECTION.		SECTION.
Commissioners appointed to lay off a State road from Brunswick to Savannah. Their time and place of meeting. Route of said road indicated		Surveyor and his assistants to be appointed. His duties	5
Time of meeting may be changed	1	Width of said road	6
Vacancies in board of commissioners, how filled	2	Compensation allowed	7
Commissioners failing to act, new commissioners to be appointed—how	3	Expenses, how and by whom to be paid	8
		Oath to be taken by commissioners	9
		Secretary of State to send a certified copy of this act to each commissioner	10
	4	Act to take effect from its passage	11

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That William L. Grey, of the county of Caldwell, Samuel McCorkle, of the county of Clinton, and Archibald Elliott, of the county of Andrew, be, and are hereby appointed commissioners, whose duty it shall be to meet at the town of Brunswick, in Chariton county, on the second Monday in April next, and from thence proceed to view and mark out a State road to Savannah, in Andrew county, by the way of the houses of John Squires, William Cochran, P. B. Darr and William Staton, in the county of Carroll, Kingston and Far West, in Caldwell county, and Rochester, in Andrew county, due regard being had to the ground over which said road may pass, and to the advantages to be derived by the public, with the smallest possible injury to individuals.

§ 2. Should the board of commissioners appointed by this act, fail to meet on the day herein designated, then they shall meet on some subsequent day, agreed upon by said board of commissioners, or a majority of them; said meeting to be called by said board, prior to the first day of December next.

§ 3. Should vacancies occur in said board of commissioners, then the remaining commissioner or commissioners shall appoint some suitable per-

son or persons to fill such vacancy or vacancies, from the county or counties in which such vacancy or vacancies may occur.

§ 4. Should all the commissioners, appointed by this act, neglect, fail or refuse to act, from any cause, the county courts respectively in which there may be a commissioner, (upon application of any person, and proof of the fact,) shall proceed to appoint one commissioner, each; it shall be the duty of said board of commissioners, after their appointment, to meet within a reasonable time, the time to be fixed upon by said commissioners, or a majority of them.

§ 5. The board of commissioners shall appoint a competent surveyor and two chain carriers, to accompany them, and shall cause said surveyor to make out a complete plat of said road, noticing thereon the courses and distances thereof, and leave one of said plats, so made out, with the county court of each county through which said road shall pass.

§ 6. It shall be the duty of the county court of each county through which said road may pass, at their first term after the filing of said plat, as aforesaid, to make an order, causing said road to be opened immediately, at least twenty-five feet wide, by the hands subject to work on roads in their respective counties, and cause the same to be kept in good repair.

§ 7. The commissioners, each, and the surveyor, shall receive the sum of two dollars per day; and the chain carriers, each, shall receive the sum of one dollar per day, for the time they may be necessarily employed about said road.

§ 8. The county courts, respectively, through which said road may pass shall pay the expenses, accruing by this act, out of the road and canal fund, to said commissioners, surveyor and chain carriers for the time they are employed in viewing, surveying and marking out said road in each county; the amount due each person to be certified to the several county courts, by said commissioners, or any two of them.

§ 9. The commissioners, before entering upon the discharge of their duties, as aforesaid, shall make an affidavit faithfully to discharge the same.

§ 10. It shall be the duty of the Secretary of State, immediately after the passage of this act, to transmit a certified copy of the same to each commissioner.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 15, 1845.

AN ACT to declare a certain road a State road.

SECTION 1	SECTION 2
A certain road from Jackson to the State line, near Pitman's ferry, declared a State road	Duties of certain county courts respecting said road

Be it enacted by the General Assembly of the State of Missouri, as follows:

- § 1. That the present public road leading from Jackson, by the way of H. B. Barnhart's and Greenville, to the State line, near Pitman's ferry, all that portion of the said road leading from William Morgan's, in Wayne county, near the line dividing the counties of Cape Girardeau and Wayne, by Greenville, to the State line, is hereby declared a State road.
- § 2. It shall be the duty of the several county courts, through which the said road passes, to cause said road to be opened and kept in repair as other State roads.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 19, 1845.

ROADS—STATE.

AN ACT to establish a State road from Widow Crobtree's, in Benton county, to Brown's Point, in Polk county.

The road from Widow Crobtree's to Brown's Point, declared a State road.

Be it enacted by the General Assembly of the State of Missouri, as follows:

- § 1. The county road, and other roads in connexion with the same, beginning near Widow Crobtree's, (on the State road leading from Warsaw to Bolivar,) in the county of Benton, crossing the Pomme de Terre at the the bridge now being erected; thence to Judy's Gap, passing by Thomas Holland's, in Polk county, to Brown's Point, on the State road aforesaid, is hereby declared to be a State road.

This act shall take effect and be in force from and after its passage.

APPROVED, February 20, 1845.

ROADS—STATE.

AN ACT to establish a State road from Boonville to Georgetown.

SECTION		SECTION.	
Commissioners appointed to lay off a State road from Boonville to Georgetown. Place of meeting	1	filled	3
		Reports and plats to be made, &c.	4
		Width of road prescribed	5
Surveyor and his assistants to be appointed.	2	Compensation of the persons employed.	6
Oath to be taken by commissioners, &c.		How paid	
Vacancies in board of commissioners, how			

Be it enacted by the General Assembly of the State of Missouri, as follows:

- § 1. James Scott, of the county of Pettis, and Daniel Wright and Jacob Maston, of the county of Cooper, shall be, and they are hereby appointed commissioners, whose duty it shall be to meet at Boonville, on the first Mon-

day of February next, or some day thereafter, by them agreed upon, and thence survey and mark a route, for a State road, from that place, in the nearest and most practicable direction, by way of Maston's bridge, to Georgetown, due regard being had to the ground over which the road shall run, with the least possible injury to individuals.

§ 2. Said commissioners shall appoint a competent surveyor and two chain carriers, who, together with said commissioners, shall take an oath, before some officer competent to administer the same, to execute, faithfully, the requirements of this act.

§ 3. Should a vacancy or vacancies occur in said board of commissioners, from any cause, the remaining commissioner or commissioners shall fill such vacancy or vacancies by the appointment of some other suitable person or persons.

§ 4. As soon as said survey is completed, said commissioners and surveyor shall make out a full report and plat of the same, copies of which shall be laid before the county courts of Cooper and Pettis counties at their first session held thereafter, and one copy forwarded to the Secretary of State.

§ 5. The county courts of said counties shall, as soon as practicable after the receipt of said plats, cause the road to be opened in their respective counties, at least forty feet wide, by the hands subject to work on roads and highways, and kept in good repair.

§ 6. The commissioners and surveyor shall each receive, for his services, two dollars, and the chain carriers one dollar per day, for each day they may be engaged in the duties required by this act, which amounts shall be certified by the commissioners and paid out of the road and canal fund of each county, in their proper proportions.

This act shall take effect after its passage.

APPROVED, Feb. 20, 1845.

ROADS—STATE.

AN ACT to establish a branch of a State road in Benton county.

SECTION 1	SECTION 2
Commissioners appointed to lay out a State road from J. H. Howard's to Nicholas Campbell's, in Benton county	Vacancies in board of commissioners; how filled

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Joseph Montgomery, James Rankin, and Nicholas Campbell be, and they are hereby appointed commissioners, whose duty it shall be to meet at the house of John H. Howard, in Benton county, on the first Monday in April next, to view, mark out and establish a State road, commencing at, or near the said Howard's house and crossing the Pomme de Terre river, about one hundred and fifty yards below the point where the State road leading from Warsaw to Bolivar crosses said stream, and thence to intersect

the State road aforesaid, at, or near the residence of the said Campbell, on the most suitable ground.

§ 2. If any vacancy shall occur in the board of commissioners, a majority may fill the vacancy.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 20, 1845.

ROADS—STATE.

AN ACT to establish a State Road.

SECTION.	SECTION.
Commissioners appointed to lay out a State road from Sibley to Harrisonville, time and place of their meeting,	pointed, his duties, 3
Time of meeting may be changed, oath to be taken by said commissioners and others,	Compensation of commissioners and others, how paid, 4
Surveyor and his assistants to be ap-	Road to be opened, at least 30 ft. wide, 5
	Secretary of State required to notify the commissioners of their appointment, 6

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. John M. Walker and Jacob Gregg, of the county of Jackson, and Alphonso Boone, of the county of Van Buren, be and they are hereby appointed commissioners, whose duty it shall be to meet at the town of Sibley, in the county of Jackson, on the first Monday in March next, and from thence proceed to survey and mark out a State road from the said town of Sibley to Harrisonville, in Van Buren county, by the nearest and most practicable route, due regard being had to the ground over which said road shall pass, and to the advantages to be derived to the public, and as little as may be to the injury of the farms or improvements of any person living on the route over which said road may pass.

§ 2. Should the commissioners appointed by this act, fail to meet on the day designated in this act, said board shall meet on some subsequent day, to be agreed on by a majority of the members composing said board; and the said commissioners, before they enter on the duties assigned them, shall take an oath before some judge or justice of the peace, to faithfully perform the same, and a similar oath shall be taken by the surveyor and chain carriers.

§ 3. Said board of commissioners shall appoint a surveyor and two chain carriers to accompany them, and shall cause to be made out two complete plats of the road, and shall deposite one of said plats in each of the county clerk's offices of the counties mentioned in this act, noticing therein the several courses and distances thereof.

§ 4. The commissioners shall each receive for their services one dollar and fifty cents per day, the surveyor one dollar and fifty cents per day, and the chain carriers one dollar per day each, for each day they may be necessarily employed in laying out and marking said road. The expen-

ses incurred in surveying, laying out and marking said road shall be apportioned between the counties of Jackson and Van Buren, in proportion to the distance and time spent in the above labor, to be paid out of the three per cent. fund belonging to the respective counties named in this act, the amount to be certified by the commissioners upon affidavit.

§ 5. It shall be the duty of the county courts of Jackson and Van Buren counties, as soon as practicable after the receipt of the plats, to cause that portion of the said road within their respective counties, to be opened at least thirty feet wide, by the hands subject to work on roads and highways in the bounds of said road, and to keep the same in good repair. So soon as said road is opened and put in good repair agreeably to the provisions of this act, it shall be declared a State road.

§ 6. It shall be the duty of the Secretary of State, immediately after the passage of this act, to notify the above named commissioners of their appointment, and the time and place of their meeting.

This act to take effect and be in force from and after its passage.

APPROVED, February 21, 1845,

ROADS—STATE.

AN ACT concerning a State Road.

The county court of Livingston required to receive the report and plat of a certain State road; and to pay the commissioners and others their accounts.

Be it enacted by the General Assembly of the State of Missouri, as follows;

§ 1. That the county court of Livingston county is hereby authorized and required to receive the report, survey, and plat of a certain State road, made by the commissioners, and the surveyor by them appointed, under and by virtue of an act of the General Assembly of the State of Missouri, entitled, "An act to revive and amend an act to mark out and survey a certain State road; approved, January the eleventh, eighteen hundred and forty-one;" approved, the seventeenth of February, eighteen hundred and forty-three, and that the said county court is also authorized and required to audit and allow to said commissioners and surveyor their account for their services in surveying, marking out and establishing said road, for so much as is due from said Livingston county, as her proportion of the length of said road.

§ 2. That the act of said commissioners, in establishing said road, is hereby legalized.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 21, 1845.

ROADS—STATE.

AN ACT to establish a State road between Weston and St. Joseph.

SECTION.		SECTION.	
Commissioners appointed to lay out a State road from Weston to St. Joseph. Time and place of meeting, Compensation allowed said commissioners and others; any commissioner who is a	1	surveyor to perform the duties thereof,	2
		Proceedings to be governed by the general road law,	3
		Time of meeting may be changed,	4

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That James E. Jorden, Samuel Allen, and James White, be and they are hereby appointed road commissioners, whose duty it shall be to meet in the town of Weston on the first Monday in May next, and proceed to survey and mark out a State road, thence the nearest and best way, due regard being had to the interest of individuals and to the public, to the intersection of the county road leading to Saint Joseph, at James Spencer's near the county line between the county of Platte and Buchanan; and said county road from said intersection to Saint Joseph, by way of A. H. Argiles', be and the same is hereby declared a State road.

§ 2. The commissioners and surveyor shall be allowed two dollars per day each, and the chain carriers one dollar per day each; *Provided*, that should one of the commissioners hereby appointed be a surveyor, he shall perform the duties of surveyor and commissioner for the pay of commissioner, to be paid out of the three per cent. fund of Platte county.

§ 3. The commissioners shall be governed, and the road be opened, in pursuance of the general law governing State roads.

§ 4. Should the commissioners fail to meet as aforesaid, they may meet in Weston at any time before the 1st day of July, 1845.

This act to be in force from and after its passage.

APPROVED, Feb. 22, 1845.

ROADS—STATE.

AN ACT declaring a certain county road in Holt county a State road.

SECTION.		SECTION.	
A certain road leading from Geo. Wolfe's to the northern State line, declared a State road,	1	Part of the State road leading from Robidoux's landing to the north boundary of this State, vacated,	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county road now leading from George Wolfe's, in Holt county, by way of Beal's bridge, on High creek, Hunsecker's ferry, on Nishnabotna river, to the northern boundary of this State, under the bluffs of the Missouri river, is hereby declared a State road.

§ 2. So much of the State road leading from Robideaux's landing on the Missouri river, by way of Savannah and Oregon, to the northern boundary of this State, in the direction of Council Bluffs, as lies between George Wolfe's in Holt county, and the northern boundary of the State, is hereby vacated.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 22, 1845.

ROADS—STATE.

AN ACT to view and mark out a State road in Dallas county.

SECTION.		SECTION.	
Commissioners appointed to mark out a State road from Erie to James E. Hollis'. Time and place of meeting, Time and place of meeting may be changed, Vacancies in the board of commissioners, how filled,	1	Surveyor, and his assistants, how appointed. His duties,	4
		Width of the road prescribed, &c.,	5
		Oath to be taken by said commissioners,	6
	2	Compensation of commissioners, and others, how paid,	7
	3		

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Thomas Jones, and Richard Wilkinson, of Dallas county, and Bennett Clinton, of Camden county, be and they are hereby appointed road commissioners, whose duty it shall be to meet at the town of Erie, in Camden county, on the first Monday of May next, and from thence proceed to view and mark out a State road upon the nearest and best route, to intersect a State road leading from Tuscumbia, in Miller county, to Springfield, in Greene county, at or near James E. Hollis', in Dallas county; having due regard to the ground over which said road shall run.

§ 2. Should the board of commissioners appointed, fail to meet on the day herein designated, then they shall meet on some subsequent day prior to the first Monday in November, 1845, to be agreed upon by the members of the board.

§ 3. Should a vacancy or vacancies occur in said board of commissioners, by any cause whatever, the remaining commissioner or commissioners shall fill such vacancy or vacancies by the appointment of some other suitable person or persons.

§ 4. Said board of commissioners shall appoint a surveyor and two chain carriers to accompany them, and cause their surveyor to make out one complete plat of the road for the use of the county courts of the counties through which said road may pass, noting thereon the several courses and distances thereof.

§ 5. It shall be the duty of the county courts of the counties through which said road may pass, as soon as practicable after the receipt of said plats, to cause the road to be opened at least thirty feet wide, by the hands

subject to work on roads and highways, in the respective counties, and be kept in good repair.

§ 6. The board of commissioners, before entering upon the duties assigned them by this act, shall take an oath before some judge or justice of the peace, for the faithful performance of the same.

§ 7. The commissioners shall each receive one dollar and fifty cents, the chain carriers one dollar per day, and surveyor two dollars, for each day they may be engaged in viewing and marking out said road, to be paid by the counties through which said road may pass, in proportion to the length of said road in the respective counties, out of their road and canal fund, the amount to be certified by the affidavit of the commissioners.

This act to take effect from and after its passage.

APPROVED, Feb. 22, 1845.

ROADS—STATE.

AN ACT to view and mark out a State Road in Jackson county.

	SECTION.		SECTION.
Commissioners appointed to mark out a State road from Independence to the western line of the State, time and place of meeting, route prescribed,	1	Oath to be taken by the commissioners and others,	4
Vacancies in board of commissioners, how filled,	2	Reports to be made, road to be opened at least 40 ft. wide,	5
Surveyor and his assistants to be appointed; his duties,	3	Compensation allowed commissioners and others, how paid,	6
		Proceedings to be governed by the general road law,	7

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That James C. Bean, Anthony L. Davis and John W. Modie, of Jackson county, are hereby appointed road commissioners, whose duty it shall be to meet at the town of Independence, in said county, on the second Monday in March next, or on some subsequent day agreed upon by themselves, prior to the first day of September next, and proceed to view and mark out a State road from the town of Independence, on the nearest and best route, having due regard for the rights of individuals, along the ridge between Big Blue and Little Blue rivers, crossing Big Blue river above the mouth of the Indian fork of said river, and terminating at the western line of the State, at or near the farm of Anthony L. Davis, in said county of Jackson.

§ 2. Provided a vacancy shall occur in the board of commissioners from any cause whatever, the remaining commissioners may appoint some suitable person to fill said vacancy, and any two of said commissioners may act without the presence of the other.

§ 3. Said commissioners shall appoint a surveyor and two chain carriers to accompany them in said review, and shall cause their surveyor to

make out a complete plat of said road, noting the several courses and distances thereof; for the use of the county court of said county.

§ 4. The commissioners, surveyor and chain carriers shall each take an oath before some judge or justice of the peace, before entering upon their duties, that they will faithfully perform the duties devolving on them under the provisions of this act.

§ 5. Said commissioners shall make a report of their proceedings to the county court of Jackson county, and said court shall cause said road to be opened as soon as practicable, at least forty feet wide, and when said road is opened it shall be declared a State road.

§ 6. Said commissioners and surveyor shall each receive two dollars per day, and each chain carrier one dollar per day, for every day they shall necessarily be employed, to be allowed by said county court out of the road and canal fund of said county.

§ 7. The reviewing and opening of said road shall be governed, in all other respects, by the general law concerning the opening of State roads, which may be in force at the time of reviewing the same.

— This act to be in force from and after its passage.

APPROVED, Feb. 22, 1845.

ROADS—STATE.

AN ACT to establish a State Road from Georgetown to Lexington.

SECTION.		SECTION.	
Commissioners appointed to lay off a State road from Georgetown to Lexington, time and place of meeting, route indicated,	1	certain officers,	3
		Width of the road prescribed, &c.,	4
Surveyor and his assistants to be appointed, oath to be taken by commissioners and others,	2	Compensation allowed commissioners and others,	5
Plats of the route to be made and sent to		Vacancies in the board of commissioners, how filled,	6

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Isaiah Prigmore, of the county of Pettis, John Fisher, of the county of Johnson, and John Ramy, of the county of Lafayette, shall be, and they are hereby appointed commissioners, whose duty it shall be to meet at Georgetown on the first Monday in April next, or on some day thereafter, to be by them agreed upon, and from thence to survey and mark a route for a State road from Georgetown, in Pettis county; from thence to some point at or near the head of Brush hill, contiguous to the county line between Pettis and Johnson counties; from thence to Greer's mill, on Blackwater, in Johnson county; from thence to Lexington, in Lafayette county, following the nearest and most practicable route, due regard being had to the ground on which said road shall run, also the advantages to be derived to the public, and with the least injury to individuals; said commissioners shall follow the above designated route,

when in their judgment it is proper to do so, but may depart from the same when in their opinion it is proper and just, or the public good requires it.

§ 2. The commissioners aforesaid shall employ a competent surveyor and two chain carriers, who, together with said commissioners, shall take an oath before some officer competent to administer the same, to execute faithfully the requirements of this act.

§ 3. As soon as said commissioners and surveyor shall have completed said survey, they shall make out a plat of the route selected, copies of which shall be forwarded to the Secretary of State and the county courts of the counties in which said road shall be located.

§ 4. The county courts of the counties through which said road shall run, shall cause said road to be opened at least thirty feet wide, and kept in repair by the hands subject to work on roads.

§ 5. The commissioners and surveyor shall each receive for compensation two dollars per day, and the chain carriers one dollar per day, for their services during the time they may be engaged in discharging the duties required by this act, which amounts shall be ascertained and certified by the said commissioners, and paid out of the road and canal fund of the counties through which said road shall run, in the proportion of the length of said road in said counties respectively.

§ 6. Any vacancy which may occur in said commissioners may be filled by an appointment of some other suitable person or persons, by the remaining commissioners or commissioner.

This act shall take effect from and after its passage.

APPROVED, Feb. 22, 1845.

ROADS—STATE.

AN ACT to establish a State road from Pattonsburg, in Daviess county, to St. Joseph's, in Buchanan county.

SECTION		SECTION	
Commissioners appointed to lay out a State road from Pattonsburg to St. Joseph's.		Oath to be taken by commissioners and surveyor	4
Time and place of meeting. Route of said road described. Part of a certain county road declared a State road	1	Compensation allowed commissioners and others. How paid	5
Time of meeting may be changed	2	Proceedings to be regulated by the general road law	6
Surveyor and his assistants to be appointed.		Secretary of State to notify commissioners of their appointment	7
Plats to be made out	3		

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Joseph Stapleton, of the county of Daviess, James R. Green, of the county of Clinton, and Young E. Miller, of the county of Andrew, be, and they are hereby appointed road commissioners, whose duty it shall be to meet at Pattonsburg, in Daviess county, on the second Mon-

day in April next, and from thence proceed to view and mark out a State road by way of Kibby's mill; thence to Hughes' mills; thence to intersect the county road leading from St. Joseph's, in Buchanan county, to Jamestown; and all that part of the county road from said intersection to St. Joseph's, is hereby declared a State road, and the commissioners shall not be required to survey or view the same.

§ 2. Should the commissioners appointed by this act fail to meet on the day herein designated, they shall meet on some subsequent day, by them agreed upon.

§ 3. It shall be the duty of said commissioners to appoint a surveyor, and two chain carriers to accompany them, and cause to be made out complete plats of the road for the county courts of the counties through which any part of said road may run.

§ 4. The commissioners and surveyor, before entering upon the duties assigned them by this act, shall take an oath before some justice of the peace for the faithful performance of the same.

§ 5. The commissioners and surveyor shall each receive two dollars per day for each day they may be necessarily employed; and the chain carriers one dollar per day; to be paid out of the road and canal fund, in proportion to the length of said road in each of said counties, to be certified by the commissioners, upon oath.

§ 6. Said commissioners, surveyor and chain carriers shall, in all respects, be governed by the provisions of an act of the General Assembly of the State of Missouri, approved February the 12th, 1839.

§ 7. It shall be the duty of the Secretary of State, immediately after the passage of this act, to notify the above named commissioners of their appointment, and time and place of their meeting.

This act to take effect from and after its passage.

APPROVED, Feb. 22, 1845.

ROADS—STATE.

AN ACT to revive an act to establish a State road in the counties of Franklin, Gasconade and Osage.

The proceedings of certain commissioners, in laying out a certain State road from Port William to the St. Louis and Jefferson City State road, near the Osage river, legalized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The acts of the commissioners appointed to mark out a State road, commencing at the termination of the road from Pat [Port] William, in Franklin county; thence the most direct route to Miller's Ford, on the Gasconade river, in Gasconade county; and from thence in the nearest and best direction to intersect the State road from St. Louis to Jefferson City, at a distance not exceeding four miles from the Osage river, in Osage county, under and by virtue of an act entitled "An act to establish

a State road," approved January 2d, 1843, are hereby declared and made legal.

This act to take effect from its passage.

APPROVED, Feb. 25, 1845.

ROADS—STATE.

AN ACT to establish a State road in Livingston county,

SECTION.	SECTION
Commissioners appointed to view, &c. a certain State road in Livingston county.	Vacancies in the board of commissioners, how filled 3
Time and place of meeting. Route indicated 1	Compensation of commissioners 4
Oath to be taken by certain commissioners 2	Width of road prescribed 5

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. George Pace, David H. Dunkerson, and W. Dicken, of the county of Livingston, are hereby appointed road commissioners, whose duty it shall be to meet at the house of W. Dicken, in the county of Livingston, or some other place, by them designated, on the first Monday in April next, or some subsequent day, for the purpose of viewing and marking out a State road, commencing at the point where the State road, established by an act of the last General Assembly of Missouri, leading from Brunswick to Trenton, strikes the county line dividing the counties of Carroll and Livingston; from thence to Chillicothe, via of Herriford's ferry, on Grand river; thence to intersect the aforesaid State road at the point where the same strikes the county line dividing the counties of Livingston and Grundy, due regard being had to the ground over which said road runs.

§ 2. Each of said commissioners, before entering upon the duties assigned him by this act, shall take an oath, before some judge or justice of the peace, for the faithful discharge of the same.

§ 3. Should any vacancy or vacancies occur in said board of commissioners, from any cause whatever, the remaining commissioner or commissioners shall have the power to fill the same by the appointment of some other suitable person or persons.

§ 4. Said commissioners shall receive each one dollar and fifty cents per day, while engaged in the discharge of the duties assigned them by this act, to be paid out of the three per cent. fund of the county of Livingston.

§ 5. It shall be the duty of the county court of Livingston county to cause said road to be opened at least thirty feet wide, by the hands subject to work on roads and highways in said county.

This act to take effect from and after its passage.

APPROVED, Feb. 25, 1845.

ROADS—STATE.

AN ACT to establish a State road from Bolivar, in Polk county to
Waynesville, in Pulaski county.

SECTION.	SECTION
Commissioners appointed to view, &c., a State road from Bolivar towards Waynesville. Time and place of meeting. Route prescribed.	Surveyor and his assistants to be appointed. Plats to be made out, &c. 4
Time of meeting may be changed.	Compensation of commissioners and others. 5
Vacancies in the board of commissioners, how filled.	Payment of expenses, proceedings, &c. to be regulated by the general road law, exceptions. 6
1	
3	

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Arthur Eweing, of Polk county, and Samuel Hagnes, and John H. Akin, of Dallas county, are hereby appointed road commissioners, whose duty it shall be to meet at the town of Bolivar, in Polk county, on the first Monday in May, 1845, and from thence proceed to survey and mark out a State road to Buffalo, in Dallas county, thence on the direction to Waynesville, in Pulaski county, until it intersects the State road near the head of Bear creek, in said county of Pulaski.

§ 2. If the board of commissioners appointed under this act, should fail to meet on the day designated in the preceding section, then they shall meet on some subsequent day prior to the first day of August, 1845, to be agreed upon by the members of said board.

§ 3. Should any vacancy occur in said board of commissioners, such vacancy shall be filled by the remaining commissioner or commissioners.

§ 4. Said board of commissioners shall appoint a surveyor, and two chain carriers to accompany them, and shall cause to be made out a complete plat of said road for the county courts of the counties through which said road passes, noting thereon the several courses and distances thereof.

§ 5. The commissioners shall each receive one dollar and fifty cents per day, the surveyor two dollars per day, and the chain carriers one dollar per day each, for as many days as they may be necessarily engaged in laying out and marking such road.

§ 6. All expenses shall be paid agreeably to the general road law, and said courts and commissioners shall be governed in all other respects not herein specified, agreeably to the provisions of said road law; provided that no map shall be made out by said commissioners for the use of the State, to be filed in the office of Secretary of State, as required by said law.

This act to take effect from its passage.

APPROVED, Feb. 25, 1845.

ROADS—STATE.

AN ACT respecting a State road in Randolph county.

SECTION.	SECTION.
Commissioners appointed to review, &c. a certain State road.	Said commissioners also to review another certain road between the same points. 2
1	

	SECTION.		SECTION
Shall decide between the two routes.	3	When damages on the old route are relinquished, damages on the new route may be assessed.	8
Quorum to do business. Vacancies how filled.	4	In cases of division, majority of commissioners to rule.	9
Commissioners to report to the Randolph county court.	5	Compensation of commissioners. How paid.	10
Commissioners, with certain exceptions, to be governed by the general road law.	6	Certain acts repealed.	11
Commissioners may diverge from the original survey.	7		

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Henry Lassiter, Bird Pyle, William Upton, Rowland T. Proctor, and Ambrose Halliburton, are hereby appointed road commissioners, whose duty it shall be to meet at the house of J. M. Cozad, in the county of Randolph, on the second Monday in March next, or within thirty days thereafter, and after being duly sworn according to law, shall proceed to review so much of the State road as viewed out by Sam'l. W. Richmond and other commissioners, in pursuance of an act of the General Assembly of the State of Missouri, approved twenty-fourth February, eighteen hundred and forty-three, as lies between said Cozad's, and a point on said road opposite Bradby's field.

§ 2. The said commissioners shall also review the road viewed out by John M. Yates and other commissioners, between the same points mentioned in the first section of this act; the last survey was made in pursuance of the act of the General Assembly of the State of Missouri, approved February the twelfth, eighteen hundred and forty-one.

§ 3. The said commissioners shall make a careful examination of both routes in this act recited, between the points mentioned in the first section of this act, and shall take into consideration the public interest, and also the interest of individuals concerned, and shall decide according to equity and justice, between all conflicting interests.

§ 4. The commissioners shall not proceed to discharge the duties herein assigned them, with a less number than five, but if either of said commissioners fail to attend or refuse to act, the remaining commissioners may fill such vacancy; no person shall be appointed to fill a vacancy who resides within a less distance than ten miles of the proposed alteration.

§ 5. The commissioners may adjourn from day to day until their labors are completed; and then they shall make a full and complete report of their proceedings to the county court of Randolph county, and the route agreed on by the commissioners shall be established by said court as the road between the points mentioned in the first section of this act.

§ 6. The commissioners shall have power to proceed in all things in pursuance of the act entitled "an act to prescribe the manner of opening State roads," approved February twelfth, eighteen hundred and thirty-nine, except as in this act is otherwise provided.

§ 7. If the commissioners shall believe that an alteration can be made by them in the route selected from the original survey, so as not to injure the public or individuals interested therein, they shall be authorized to make such alterations.

§ 8. If damages have been assessed to individuals on the route selected by the commissioners, such person or persons may relinquish such former assessment of damages, and in all such cases it shall be the duty of the commissioners to reassess the damages, and in all other cases to assess damages and proceed according to law.

§ 9. In all cases of division under this act, the concurrence of a majority shall be required.

§ 10. The commissioners shall each receive one dollar and fifty cents for each day employed, to be allowed by the county court of Randolph county and paid out of the three per cent. fund.

§ 11. All acts and parts of acts conflicting with this act, be and the same are hereby repealed.

This act to take effect and be in force from and after the passage thereof.

APPROVED, February 25, 1845.

ROADS—STATE.

AN ACT amendatory of an act to establish a State road from Farmington, in St. Francois county, to St. Louis, approved February 17th, 1843.

	SECTION.		SECTION.
County court of St. Francois may alter certain roads.	1	Certain acts repealed.	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of St. Francois county is hereby authorized to cause any alterations to be made within the county of St. Francois, in the roads specified in the act to which this is amendatory, on such terms as are specified in an act to provide for opening and repairing public roads and highways, approved February 6th, 1837.

§ 2. All former acts which conflict with the provisions of this act, be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 25, 1845.

ROADS—STATE.

AN ACT to establish a State road from Savannah to Nodaway city.

	SECTION.		SECTION.
Commissioners appointed to view, &c., a State road from Savannah to Nodaway city. Time and place of meeting	1.	others.	2
Compensation allowed commissioners and		Commissioners to be governed by the general road law	3
		Time of meeting may be changed	4.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Elias H. Davis, Robert McCutchen and John Lewis be, and they are hereby appointed commissioners, whose duty it shall be to meet at Savannah, on the first Monday of June next, and from thence proceed to survey and mark out a State road to Nodaway city, in Andrew county.

§ 2. The commissioners and surveyor shall each receive two dollars per day, and the chain carriers one dollar each per day.

§ 3. The commissioners shall be governed by the general law, prescribing the manner of opening State roads.

§ 4. Should the commissioners fail to meet on the first Monday of June next, they may meet at any time within sixty days thereafter.

This act to take effect from its passage.

APPROVED, Feb. 25, 1845.

ROADS—STATE.

AN ACT to establish a State road from Independence to Wayne city, in Jackson county.

SECTION		SECTION.	
Commissioners appointed to mark out a State road from Independence to Wayne city	1	Commissioners to report to the county court	5
Time and place of meeting. Width of road. Vacancies, how filled	2	Opening of said road to be governed by the general law	6
A surveyor and his assistants may be employed and plats made out	3	Compensation allowed commissioners and others	7
Oath to be taken by commissioners and others	4	Road, when opened, &c., to be declared a State road	8
		Secretary of State to furnish one of the commissioners with a copy of this act	9

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Robert Daniels, Jacob Johnston, Benjamin F. Thompson, Samuel H. Woodson and Robert G. Smart are hereby appointed commissioners, whose duty it shall be to review and mark out a State road from the town of Independence, in Jackson county, to Wayne city, on the Missouri river, in said county.

§ 2. Said commissioners shall meet in the town of Independence, on the third Monday in February, 1845, or on some subsequent day appointed by said commissioners, within two months thereafter, and shall proceed to review and mark out a State road, as above required, at least forty feet wide, running said road in the nearest and best route, having a due regard to the rights of private individuals; and should any of said commissioners fail or refuse to act, the remaining commissioners shall have the power to appoint another, and a majority of said commissioners shall have full power to act.

§ 3. Said commissioners may, if they think it necessary, employ a surveyor and two chain carriers, to accompany them in said review, and make out a complete plat of the survey, for the county court of said county, no-

ting the several courses and distances of said road.

§ 4. Said commissioners and surveyor and chain carriers, before entering upon their duties, under this act, shall each take an oath before some judge or justice of the peace, to the faithful performance of their duties.

§ 5. It shall be the duty of said commissioners to make a report of their proceedings to the county court of said county of Jackson, at the first monthly or regular term thereof, after said review shall have been completed, unless further time shall be allowed by said court.

§ 6. It shall be the duty of said county court, to have said road opened as speedily as possible, in all respects as is now provided by law for the opening of State roads.

§ 7. The said commissioners shall each receive, for their services, two dollars per day; the said surveyor, if any should be employed, shall receive two dollars per day; and the chain carriers, one dollar per day, each, to be allowed by the county court, and paid out of the three per cent. fund of said county.

§ 8. So soon as said road is opened, and put in good repair, agreeably to the provisions of this act, it shall be declared a State road.

§ 9. It shall be the duty of the Secretary of State, immediately after the passage of this act, to furnish any one of the above named commissioners with a copy of this act.

This act to take effect from its passage.

APPROVED, Feb. 28, 1845.

ROADS—STATE.

AN ACT to declare a certain county road, in Linn and Sullivan counties, a State road.

SECTION.		SECTION.
A certain road from Linnœus to Grove's mill declared a State road	1	Said road shall be kept in repair 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The present county road, as now travelled, from Linnœus, in Linn county, to Grove's mill, in Sullivan county, by the way of Pearce's ford, on main Locust creek, be, and the same is hereby declared a State road.

§ 2. It shall be the duty of the county courts of Linn county and Sullivan county, immediately after the passage of this act, to cause said road to be put and kept in good repair.

This act to take effect from and after its passage.

APPROVED, Feb. 28, 1845.

ROADS—STATE.

AN ACT to survey and mark out a State road from Bolivar, in Polk county, to Fort Scott.

	SECTION.		SECTION.
Commissioners appointed to mark out a State road from Bolivar to Fort Scott.		duties,	3
Time and place of meeting,	1	Width of the road prescribed, &c.,	4
Vacancies in board of commissioners, how filled,		Oath to be taken by commissioners,	5
Surveyor and his assistants appointed. His	2	Compensation allowed commissioners and others,	6
		Expenses, how paid,	7

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Joseph A. Kard, from the county of Polk, David Hunter, from the county of Cedar, and Andrew Gerard, from the county of Bates, are hereby appointed road commissioners, whose duty it shall be to meet at the town of Bolivar, in Polk county, on the first Monday in April next, or as soon thereafter as practicable, to be agreed upon by themselves, and from thence proceed to survey and mark out a State road, on the most practicable route, by way of the county seat of Cedar county, due regard being had to the ground over which said road shall run, and to the advantages to be derived to the public, with the least possible injury to individuals.

§ 2. Should any vacancy or vacancies occur in the board of commissioners herein designated, the remaining commissioner or commissioners shall fill the same, by the appointment of some other suitable person or persons.

§ 3. The board of commissioners shall appoint a surveyor, two chain carriers, and a marker, to accompany them, and shall cause their surveyor to mark [make] out a complete plat of said road for the use of the county courts of the counties through which said road shall pass, to be filed in the offices of the county clerks of said counties.

§ 4. It shall be the duty of the county courts of the counties through which said road shall pass, as soon as practicable after the receipt of said plats, to cause so much of said road as lies within their respective counties, to be opened at least thirty feet wide, and kept in repair, as other roads and highways are opened and repaired.

§ 5. The commissioners, before entering upon the duties assigned them by this act, shall take an oath before some judge or justice of the peace to the faithful performance of the same.

§ 6. The commissioners and surveyor shall each receive one dollar and fifty cents per day, and the chain carriers and marker one dollar per day, for each day they may be necessarily employed in the laying out and marking said road.

§ 7. The county courts of the counties through which said road passes, shall pay the expenses accruing by this act, out of the three per cent. fund

of said counties, in proportion to the extent of said road in each county, the amount to be certified by the affidavits of the commissioners.

This act to take effect from its passage.

APPROVED, Feb. 28, 1845.

ROADS—STATE.

AN ACT for establishing and keeping in repair roads in the county of St. Louis.

	SECTION.		SECTION.
Powers of the county court of St. Louis respecting roads and highways in said county	1	turned to the court, and, if approved, to be the true location	12
Applications for new roads, how made	2	Roads may be straightened	13
Notice of the day of application to be given.	3	On application for permission to turn any road	14
Action of the county court thereon	4	The court shall appoint viewers to report thereon; whereupon	15
Oath to be taken by the viewers. Their duties	5	The court shall decide upon the matter	16
Viewers to report to the county court, &c.	6	An appropriation may be made by the court, for roads	17
Viewers to certify a copy of their proceedings to the court. Width of road prescribed	7-8	Certain roads to be repaired, &c. before all others	18
Upon application of any aggrieved person, the court shall appoint five householders, who shall report upon the matters complained of, to the court	9	Annual road appropriations by the county. How apportioned	19
Costs, &c., by whom to be paid	10	And how to be expended	20
Duties of the court and viewers in cases of objection to a proposed road	11	In addition to this law, the general road law may, for the first year, apply to St. Louis county	21
County court to cause a review of certain roads to be made, in certain cases		In cases not herein provided for, general road law to apply	22
In such cases, survey to be made and re-		Powers and duties of the court in the premises	23

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of said St. Louis county shall have power to open, establish, change, and keep in repair all the public roads and highways within the county, in the manner herein prescribed.

§ 2. Applications for new roads shall be made, by petition, to the court, signed by at least twelve householders of the township or townships in which said road is to run, three of whom shall be of the immediate neighborhood of the proposed road, specifying the proposed road, beginning, course and termination thereof, with not more than two intermediate points named in said petition.

§ 3. Notice of the day of each intended application shall be given by advertisement in five public places in said township or townships, twenty days prior thereto, two of which notices shall be in the immediate vicinity of said road; when the petition is presented, and publicly read, and upon proof of notice, the court shall order the same to lie over for three days, to receive objections thereto, and, at the end of that time, if no objections be made to opening the road, by any person or persons interested therein, and the court

shall deem the proposed road a public convenience, they shall appoint three disinterested householders of the county, as viewers thereof.

[§ 4.] § 5. The said viewers, or a majority of them, having taken an oath or affirmation, faithfully and impartially to discharge their duties, shall proceed to view the route proposed, and if, upon such view, they think the proposed road would be of public utility, they shall lay out and mark said road on the best ground that can be obtained, not running through any person's enclosure without the owner's consent, unless a good way cannot otherwise be had.

[§ 5.] § 6. The said viewers, or a majority of them, if they find that the proposed road would not be of public utility, shall report that fact to the court, with the reasons for such opinion, and if the court concur in that opinion the road shall not be opened.

[§ 6.] § 7. When the said viewers have laid out and marked a road, they, or a majority of them, shall make and certify a copy of their proceedings to the ensuing term of the court, when the same shall be publicly read. If no objections be made to such proposed highway, the court shall cause a record thereof to be made, and order the same to be opened and repaired a necessary width, not exceeding sixty feet, which shall thenceforth be a public highway.

[§ 7.] § 8. If any person, through whose land said road may run, feels aggrieved, thereby, such person may, at any time within three months after the date of the order establishing said road, set forth his, her or their grievance, by way of remonstrance, and the court shall thereupon appoint three disinterested householders and assign a day and place for them to meet.

[§ 8.] § 9. The said householders, having had five days notice of their appointment, shall meet and take an oath or affirmation faithfully and impartially to discharge the duties assigned them; they shall then, or on any other day prior to the next term of the court, to which a majority may adjourn, proceed to review the said road, and assess the damages, if any, which such objector or objectors have or will sustain from the opening of said road through his, her or their lands, and shall report the same to the next term of the court.

[§ 9.] § 10. If the said reviewers assess and report damages in favor of the objector or objectors, the costs and damages shall be paid out of the county treasury, but if they report unfavorably, the objector or objectors shall pay the costs.

[§ 10.] § 11. If, upon the presentation of a petition for a new road, and proof of notice, any person shall object to the proposed road, upon the ground that the opening of the same would injure him, the court shall instruct the viewers by them appointed, first, to assess the damages that the opening of the road would be to the objector or objectors, and report the same to the court, before they proceed further to mark said road; and if, upon said report, the court shall be of the opinion that the damages assessed exceed the utility of the road, they may suspend the opening of the same; otherwise, the viewers shall be instructed to view, lay out and mark said road, and the damages shall be paid out of the county treasury.

[§ 11.] § 12. It shall be the duty of the county court of said county to

cause a review to be made of all such State and county roads as they may deem of sufficient public utility and importance, in any of the following cases: First, where the original record of establishment or location of any road, or the record of any alteration of any road is, from any cause, imperfect or defective; Second, where any road has been altered or changed from the ground on which it was originally laid out, whether said alteration has been made by law or otherwise; Third, where there is any uncertainty as to the point of commencement or termination of any road.

[§ 12.] § 13. In all cases of a review under the preceding section, or where, from the nature of the case, the court can, themselves, direct the survey, in either of the above enumerated cases, the surveys shall be made by the county surveyor, or any other competent surveyor, and returned to the court, and which survey, if approved by the court, shall be taken as the true location of said road.

[§ 13.] § 14. It shall be lawful for the county court to cause any public road to be straightened, thereby making the distance shorter; *Provided*, the alteration run over as good ground as the old road, and provided, further, that the persons through whose land the old road and the proposed alterations run shall consent thereto.

[§ 14.] § 15. Any person or persons wishing to cultivate land through which any road may run, may petition the county court for permission to turn such road on his, her or their own land, or the land of any other person consenting thereto, at his, her or their expense.

[§ 15.] § 16. The court shall, thereupon, appoint three viewers, who shall proceed to view the same, and report the respective distances and situation of the ground of the established and the proposed road, and report at the first term of said court thereafter.

[§ 16.] § 17. If, upon the report, the county court be satisfied that the public will not be materially injured by such change, they shall order the same, and upon satisfactory assurance of said road being opened, equally convenient for travellers, the county court shall vacate so much of the former road as lies between the different points of intersection, and record said reviewers report.

[§ 17.] § 18. For the keeping in repair, the roads in the county, the county courts shall, at the first term after the passage of this act, appropriate a sum not exceeding seven thousand dollars, which shall be expended according to the regular system to be by the court adopted.

[§ 18.] § 19. The following leading roads in said county shall first be worked and put in repair, under the direction of the court, to wit: The road commencing at the city of St. Louis, and terminating at Lovering's ferry, on the Merrimack, passing near the Barracks. The road leading from the bridge over the river DES PERES, south of Carondelet to Catalan's ford over the Merrimack. The Gravois road (so called) commencing at the city of St. Louis and terminating at the county line, passing by the town of Manchester. The Jefferson City road, commencing at the city of St. Louis and terminating at the county line, passing by the town of Manchester. The Saint Charles road, commencing at the city of St. Louis and terminating at the Missouri river opposite Saint Charles,

passing by the brick church. The road from Pierre Ouberchon's to Saint Ferdinand village. The Belle Fontaine road, commencing at the city of St. Louis and terminating at the Missouri river. The old Bonhomme road, commencing at the French tavern, on Saint Charles road, and terminating at Lewis' ferry on the Missouri river. The Owen's Station road, commencing at the fork near the Irish tavern and terminating at the Missouri river opposite Saint Charles. The Hall's ferry road, from the point at which it leaves the Belle Fontaine road to John Blackburn's. The Clayton road, from the forks near the rock spring to the coal region, a distance of four miles.

[§ 19.] § 20. At the first term of the court, in every year after the expenditure of the appropriation before mentioned, the court shall proceed to ascertain the amount of the revenue for general county purposes, of the preceding year, and shall appropriate such sum as they suppose will keep the roads of the county in good repair, not exceeding the sum of seven thousand dollars; and shall thereupon apportion to each township in the county the proportion of the sum so, as aforesaid, appropriated, that they may be entitled to, in the proportion that the taxes paid by each township bears to the whole amount of county revenue for that year.

[§ 20.] § 21. The amount assigned to each township shall be faithfully disbursed under the direction of the court, in keeping in repair the roads in each respective township; and in the township of St. Louis the court is authorized to expend the sum assigned to said township, in McAdamizing the roads beginning at the city limits.

[§ 21.] § 22. For the first year after the passage of this act, all the roads in the county may be worked under the general road laws of the State, in addition to the work to be done under this law, if necessary; and all the hands subject to work on roads shall be distributed fairly among the roads, and if necessary, the court shall cause the roads to be re-districted, and a new assignment of hands to be made.

[§ 22.] § 23. In all cases not provided for in this act, the general road law of the State shall be applicable to the roads in said county of St. Louis.

[§ 23.] § 24. The said county court shall have power and authority to establish such rules and regulations as they may find necessary and proper to carry out the provisions of this act, and may, by such regulations, establish the manner in which said roads shall be cut out or opened; all such rules as they may establish, shall annually be published in such manner as to give the greatest notoriety thereof to the people of the county.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 28, 1845.

R O A D S—S T A T E.

AN ACT supplementary to an act, entitled "an act to extend a State road from Danville, in Montgomery county, by the way of Martinsville, in said county, to Mexico, in Audrain county."

	SECTION.		SECTION.
Commissioners appointed to view, &c, a certain State road; time and place of meeting,	1	Width of road prescribed, &c.,	5
Time may be changed,	2	Oath to be taken by commissioners,	6
Vacancies in board of commissioners, how filled,	3	Compensation of commissioners, &c.; how paid,	7
Surveyor, &c., to be appointed; his duties,	4	Duties of certain county courts respecting said road,	8

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. William P. Harrison, George W. Cardwell, of the county of Audrain, and Thomas Kimbro, of the county of Randolph, be and they are hereby appointed road commissioners, whose duty it shall be to meet at the town of Mexico, in Audrain county, on the third Monday in March next, and from thence proceed to view and mark out a State road to some point in Randolph county, on the State road leading from Huntsville to Williamsburg, south of Joel Hubbard's; due regard being had to the ground over which said road shall run.

§ 2. Should the board of commissioners appointed, fail to meet on the day herein designated, then they shall meet on some other subsequent day, prior to the first of November, eighteen hundred and forty-five, to be agreed upon by the members of the board.

§ 3. Should a vacancy or vacancies occur in said board of commissioners by any cause whatever, the remaining commissioner or commissioners shall fill such vacancy or vacancies, by the appointment of some other suitable person or persons.

§ 4. Said board of commissioners, if they deem it necessary, and not otherwise, shall appoint a surveyor and two chain carriers to accompany them, and shall cause their surveyor to make out one complete plat of the road for the use of the county courts of the counties through which said road may pass, and one for the Secretary of State, noting thereon the several courses and distances thereof.

§ 5. It shall be the duty of the county courts of the counties through which said road may pass, as soon as practicable after the receipt of said plats, to cause the road to be opened at least thirty feet wide, by the hands subject to work on roads and highways in their respective counties, and be kept in good repair.

§ 6. The board of commissioners, before entering upon the duties assigned them by this act, shall take an oath before some judge or justice of the peace, for the faithful performance of the same.

§ 7. The commissioners and surveyor shall each receive for his services, one dollar and fifty cents, and the chain carriers one dollar per day, for each day they may be engaged in viewing and marking out said road, to be

paid by the counties through which said road may pass, in proportion to the length of said road in their respective counties, out of their road and canal fund, the amount to be certified by the affidavit of the commissioners.

§ 8. The county courts of the counties through which said road passes, shall cause the same to be kept in good repair in the same manner and under the same regulations that county roads are required to be repaired.

This act to take effect from and after its passage.

APPROVED, Feb. 28, 1845.

ROADS—STATE.

AN ACT supplementary to an act respecting a State road in Randolph county, approved February the twenty-fifth, eighteen hundred and forty-five.

The commissioners appointed may establish a State road from Flar's store to Bladley's, on the present State road.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The commissioners appointed to view and establish a road as provided in the above recited act, may commence said view and survey at Mr. Flar's store, about one mile above the line dividing the counties of Macon and Randolph, and terminating the same at the corner of Richard Bladley's field, in the present State road now established; *Provided*, said commissioners shall be well satisfied, that the public interest requires such change or alteration, and that less injury will be done to individuals, by changing the points of beginning and termination, as is designated in the act to which this is a supplement; and it is further provided, that should the said commissioners commence or make their point of beginning at Flar's store, then they shall have power to run said road to the point of termination, having due regard to public and private interest, in accordance with the general law on the subject of State roads. This act shall not be construed to require the commissioners to change the point of beginning, but only permitting the use of sound discretion on their part.

This act to take effect from its passage.

APPROVED, Feb. 28, 1845

ROADS—STATE.

AN ACT to survey and mark out a State road in Pike county.

SECTION.		SECTION.
Commissioners appointed to establish a		State road from Louisiana to Spencers-

	SECTION.		SECTION.
burg. Time and place of meeting. Report to be made, &c.,	1	cost of each route; and county court to determine between them,	2
Also to review a route from Louisiana to Grassy creek, and report the probable		Compensation allowed commissioners and others,	3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That James H. Hufford, R. D. Brewington, and James Martin, all of Pike county, be and they are hereby appointed commissioners, whose duty it shall be to meet in the town of Louisiana, on the first Monday of May next, or as soon thereafter as convenient, and thence proceed to view and mark out a State road from the ferry landing in the said town of Louisiana, by the way of the mouth of Salt river, to Spencersburg, in Pike county, on the most direct route between said points, due regard being had to the ground over which said road shall pass and to private property; and it shall be the duty of said commissioners to make out and return to the first term of the county court to be held thereafter, a full and complete report of their proceedings under this act; and said court shall proceed to have said road opened and kept in repair, as is provided by "an act entitled an act to prescribe the manner of opening State roads," approved, February twelfth, eighteen hundred and thirty-nine.

§ 2. The commissioners are hereby authorized and required to review, survey and mark out a route for a road from the place designated in the foregoing section, in the town of Louisiana, across the big hill to the crossing place of Grassy creek, or to where this review shall intersect the review by the mouth of Salt river, required by the preceding section, and report to the county court the probable cost each route will require to make a good road; and said court shall determine between the two routes, and establish that which they think will be most conducive to the public interest.

§ 3. The commissioners shall each receive for his [their] services, two dollars per day, the surveyor two dollars per day, the chain carriers one dollar per day; and said commissioners shall proceed and be governed by the act last aforesaid.

This act to take effect from its passage.

APPROVED, Feb. 28, 1845.

ROADS—STATE.

AN ACT to establish a State road from Palmer's landing, in Boone county, to Marion, in Cole county.

	SECTION.		SECTION.
Commissioners appointed to view, &c., a State road from Palmer's landing to Marion,	1	And to be governed by the general road law, except that they need not appoint a surveyor, &c.,	2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. John Parker, Eli E. Bass, Frank Connelly, and James H. Woods, are hereby appointed commissioners, who shall meet at the town of Providence, in Boone county, on the first Monday in May next, for the purpose of viewing and marking out a State road from Palmer's landing, in Boone county, on the Missouri river, running thence the nearest and most practicable route down fifteenth street, in the town of Providence, to the Missouri river; thence down said river to the landing on the Missouri river opposite the town of Marion, in Cole county, by way of Nashville, in Boone county.

§ 2. Said commissioners shall be governed by the provisions of an act entitled "an act to prescribe the manner of opening State roads, approved Feb. 12th, 1839;" but shall not be required to employ a surveyor and chain carriers, unless in their opinion it shall be deemed necessary; and said commissioners shall each receive a compensation not exceeding one dollar and twenty-five cents per day, for each day necessarily employed in discharge of their duty.

This act to take effect after its passage.

APPROVED, March 5, 1845.

ROADS—STATE.

AN ACT to extend a State road in Pike county.

	SECTION.		SECTION.
Commissioners appointed to view, &c., a State road from McElroy's store to the old Chariton road.		Proceedings governed by the general road law.	
	1	Compensation allowed commissioners and others.	2 3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Jephtha S. Crosthwait, S. M. Lapsley, of Ralls county, and B. C. Pollard, of Monroe county, are hereby appointed road commissioners, whose duty it shall be to meet at the house of J. I. T. McElroy's, in Ralls county, on the first Monday in May next, or as soon thereafter as convenient, for the purpose of viewing and marking out a State road, known as the State road leading from Louisiana, in Pike county, via Ichabod Butler's, and Madisonville, to McElroy's old store, in Ralls county, commencing at McElroy's old store in Ralls county, where the said road as above described, according to an act passed at the last Legislature, approved Feb. 17th, 1843, stopped, by the nearest and best route westwardly, until it strikes the road leading from New London, in Ralls county, to Paris, in Monroe county, known as the old Chariton road, due regard being had to the ground over which said road passes and to private property.

§ 2. The said commissioners and the county courts, in which the road to be reviewed may run, and those who may be liable to work on said road,

shall in all respects be governed by the general law now existing, prescribing the manner of opening State roads.

§ 3. Each of said commissioners and the surveyors necessarily employed under the provisions of this act, shall receive for their respective services in performing the duties herein imposed, the sum of two dollars for each day they may necessarily be engaged in reviewing and marking out said road; each chain carrier necessarily employed in reviewing and marking out said road, shall receive the sum of one dollar for each day so employed; said sums to be audited by the county courts of the counties through which said road passes, and paid out of the road and canal fund belonging to said counties.

This act to take effect from and after its passage.

APPROVED, March 8, 1845.

ROADS—STATE.

AN ACT to establish a State road in Camden and other counties.

SECTION.	SECTION.
Commissioners appointed to mark out a certain road from the western line of Pulaski, towards Springfield.	Compensation of commissioners and others, 3 General road law to govern their proceedings, with a certain exception. 4
Time of meeting. It may be changed. 1-2	

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That David Street and Henry McKinney, of the county of Dallas, and Samuel W. Barnes, of the county of Camden, are hereby appointed commissioners, whose duty it shall be to meet on the first Monday in June next, at the place where the county road leading from Waynesville to Bolivar, in Polk county, crosses the western boundary line of Pulaski county, and from thence proceed to view and mark out a State road, on the most practicable route, in a direction to Springfield, so as to intersect the State road leading from Tusculumbia, in Miller county, to Springfield, in Greene county, at James E. Hallisses in Dallas county.

§ 2. Should the commissioners from any cause fail to meet on the above named day, it shall be lawful for them to meet on any subsequent day, to be by them designated, within six months thereafter.

§ 3. Said commissioners and surveyor shall each receive for their services two dollars for each day that they may be employed in viewing and marking out said road, and the chain carriers one dollar per day each, to be paid out of the road and canal fund belonging to the counties through which said road passes, in proportion to the length of the road in each county.

§ 4. Said commissioners, the county courts of said counties and those who may be liable to work on roads and highways, shall in all respects be governed by the general law now in force, prescribing the manner of open-

ing and keeping in repair State roads; except they may at their discretion dispense with the services of a surveyor and chain carriers.

This act to take effect and be in force from and after its passage.

APPROVED, March 10, 1845.

ROADS—STATE.

AN ACT to establish a State road from Tully, in Lewis county, to Memphis, in Scotland county.

SECTION.		SECTION.	
Commissioners appointed to view, &c. a State road from Tully to Memphis Time and place of meeting; but the time may be changed Proceedings to be governed by the gen-	1	eral road law.	2
		Compensation allowed commissioners and others.	3
		Width of road prescribed.	4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Abraham Patterson, and Walter P. Ellis, of Scotland county, and Jeremiah V. Lillard, of Lewis county, are hereby appointed road commissioners, whose duty it shall be to meet in the town of Tully, on the third Monday in May next, and from thence proceed to survey and mark out a State road on the most direct and practicable route to Memphis, in Scotland county. If said commissioners or a majority of them shall fail to meet on the above named day, it shall be lawful for said commissioners to meet on some other day agreed upon by them, within six months thereafter.

§ 2. The said board of commissioners, the county courts of the counties respectively through which said road may pass, all such as are liable to work on roads and highways in and near the section of country through which the same may run, and all others who may be employed by said commissioners, shall in all respects be governed by the general road law existing on the subject of opening State roads.

§ 3. That the commissioners who may act in laying out the road aforesaid, shall each be entitled to one dollar and fifty cents for each day he may be necessarily employed in the discharge of the duties aforesaid. The surveyor employed by them shall receive two dollars; and the chain carriers each, one dollar per day, for each day necessarily employed in laying out said road, to be audited and paid in conformity with the provisions of the general road law aforesaid.

§ 5. [4.] The said road shall be opened at least forty feet wide, any law to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

APPROVED, March 10, 1845.

ROADS—STATE.

AN ACT to revive and amend an act concerning a State road in Clark county.

SECTION.		SECTION.
A certain road law in part revived, Commissioners to be appointed by the county court of Clark. Their duties	1	prescribed,
		The seventh section of the former law re-
		pealed,
		2
		3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That an act entitled "an act to establish a State road in the county of Clark, beginning at a point in the State road from the mouth of the Des Moine river, to Waterloo, in said county, about one hundred poles westwardly of Smith's tavern, known as the Hickory tavern, to the northern boundary," approved February 6th, 1843, be and the same is hereby revived and continued in force, except as herein amended or repealed.

§ 2. The county court of Clark county shall, as soon as may be after the passage of this act, appoint three commissioners, who shall meet within such time as said court may designate, and proceed to view and mark out a State road, in compliance with the provisions of the above recited act, but may in their judgment and discretion vary from the points therein named, not exceeding one hundred poles, as public convenience, without injury to private interests, may require.

§ 3. The seventh section of the above recited act is hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED, March 12, 1845.

ROADS—STATE.

AN ACT to establish a State road from Harrisonville to Oseola.

SECTION.		SECTION.
Commissioners appointed to view, &c., a State road from Harrisonville to Oseola. Time and place of meeting. Route in- dicated,	1	Expenses, how paid,
		All accounts to be certified by the com-
		missioners,
		Oath to be taken by commissioners,
Plats of said road to be made, &c.,	2	Vacancies in board of commissioners, how
Width of said road, &c., to be prescribed,	3	filled,
Compensation of commissioners, &c.,	4	
		5
		6
		7
		8

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Barristers W. Meadows and James Demasters, of the county of Van Buren, and John Bunch, of St. Clair county, be and they are hereby appointed and constituted a board of commissioners, whose duty it shall be to meet in the town of Harrisonville, in the county of Van Buren, on the first Monday in May next, or within two months thereafter, and then and

there appoint a surveyor and two chain carriers, and proceed to survey and mark out a State road, commencing at the public square in said town of Harrisonville, and running thence near a southeast course, at or near the mouth of the Elk fork of Grand river, to where the same puts into main branch of said river, and thence to Oseola, the county seat of St. Clair county, on the nearest and most practicable route.

§ 2. It shall be the duty of said commissioners to cause the surveyor to make out plats of said road, when located, with the courses and distances of the same marked thereon, a copy of which they shall cause to be transmitted to the county court of each county said road passes through.

§ 3. The county court of each county shall, as soon as practicable after the receipt of said plats, cause the said road to be opened at least thirty feet wide, and kept in repair according to the law in such cases made and provided.

§ 4. The commissioners shall each receive the sum of two dollars for each day they shall be necessarily engaged in marking out and surveying said road, the surveyor two dollars per day, and four dollars for each plat he shall make out for the counties through which said road passes, and the chain carriers one dollar per day, while in the service of said commissioners.

§ 5. The county courts of the respective counties through which said road shall pass, shall pay all necessary expenses accruing under this act, to be paid out of the three per cent. fund, in proportion to the distance the said road may run through their respective counties.

§ 6. All demands accruing under this act, shall be certified by said commissioners before being allowed by the courts.

§ 7. The said commissioners shall, before entering upon the discharge of their duties, take an oath before some judge or justice of the peace, for the faithful performance of their duties aforesaid.

§ 8. Should a vacancy occur in said board of commissioners, one or a majority of them shall have power to fill the same by the appointment of some other person or persons.

This act to take effect and be in force from and after its passage.

APPROVED, March 13, 1845.

ROADS—STATE.

AN ACT declaring certain county roads a State road, and for viewing and marking out the same.

SECTION.	SECTION.
A certain road from Jefferson city to the river Osage, declared a State road,	1 State road from Waynesville, to Hart-
Certain citizens and county courts, empowered to extend said road to Waynesville,	2 ville. Their time and place of meeting,
Commissioners appointed to view, &c., a	3 Oath to be taken by commissioners,
	4 Reports to be made by, and compensation
	5 allowed to commissioners, &c.,

	SECTION.		SECTION.
Width of road prescribed,	6	A certain road from Hartville to the State	
Time of meeting may be changed. Va-	7	line, declared a State road,	8
cancies how filled,			

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The route reviewed for a State road from the city of Jefferson to the Osage river, where the same strikes said river between sections nineteen and twenty, in township forty-two, range eleven, is hereby declared a State road.

§ 2. The citizens of ranges eleven and twelve, and of the townships from thirty-six to forty-two inclusive, and the county courts of the several counties through which said road shall pass respectively, are hereby authorized to open a State road, beginning at a point on the Osage river, opposite the point designated in the first section of this act, running from thence to the town of Waynesville, in Pulaski county, keeping as near the line between the ranges eleven and twelve, as the nature of the ground and the most practicable route will permit.

§ 3. Samuel York and William T. Bates, of the county of Pulaski, and John McElroy of the county of Wright, are hereby appointed road commissioners, whose duty it shall be to meet in the town of Waynesville, in Pulaski county, on the first Monday in June next, from thence proceed and review and mark out a State road to the town of Hartville, in Wright county.

§ 4. The aforesaid commissioners, before entering upon the duties of their office, shall take an oath before some judge or justice of the peace to faithfully discharge the duties assigned them by this act.

§ 5. Said commissioners shall make out and transmit to each of the county courts of the respective counties through which this road shall pass, a report of their proceedings under this act, and shall receive two dollars for each day they may be necessarily engaged in the discharge of the duties assigned them by this act, to be paid out of the road and canal fund belonging to Pulaski and Wright counties, in proportion to the distance said road may pass through each county.

§ 6. The above named road or roads may be opened at least twenty feet wide, and no wider, during the term of the next five years from the passage of this act.

§ 7. If said board of commissioners shall fail to meet at the time designated by this act, it may be lawful for them to meet on some subsequent day to be agreed upon by a majority of said board; and if a vacancy shall occur, the same may be filled by the remaining commissioner or commissioners appointing some other disinterested and lawful person or persons.

§ 8. The county road leading from Hartville, in Wright county, to Rockbridge, in Decatur county, and from thence to the State line, in the direction to Little Rock, in the State of Arkansas, be and the same is hereby declared a State road.

This act to take effect from and after its passage.

APPROVED, March 15, 1845.

ROADS—STATE.

AN ACT to vacate a portion of a State road, and declare a county road in Clark county, a State road.—

	SECTION		SECTION.
Part of the State road from Alexandria via St. Francisville, to the north boundary of this State, vacated, and	1	via Mitchell's creek, to said State road, declared a State road,	2
A county road from Campbell's red house		Said road to be kept in order, &c., according to the general road law,	3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That so much of the State road leading from Alexandria, in the county of Clark, by way of St: Francisville, to the northern boundary line of this State, as lies between Campbell's red house and the fifteen mile stake on said road, be and the same is hereby vacated.

§ 2. That so much of the county road, in said county of Clark, as extends from Campbell's red house to Mitchell's creek, and from thence the new road, as cut out on the Indian trace, from Mitchell's creek to the fifteen mile stake on the State road mentioned in the first section of this act, be and the same is hereby declared a State road.

§ 3. That portion of said county road which is hereby declared a State road, shall be kept in repair, and governed in all respects by the general law of this State concerning roads and highways.

This act to take effect and be in force from and after its passage.
APPROVED, March 17, 1845.

ROADS—STATE.

AN ACT to establish a State road from St. Joseph to Plattsburg.

	SECTION.		SECTION.
Commissioners appointed to view, &c., a State road from St. Joseph to Plattsburg; time and place of meeting,	1	prescribed,	2
Surveyor, &c., to be appointed; route		Compensation of commissioners and others, Opening, &c., of said road to be governed by the general road law,	3 4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That John Biggerstaff, Henry Hencly, and Samuel Ferrel be, and they are hereby appointed road commissioners to view out and mark a State road the nearest and best way from St. Joseph, in Buchanan county, to Plattsburg, in Clinton county ; and that. they meet in the town of St. Joseph, on the first Monday in May next, to discharge their duties ; but should they fail to meet, then they may meet at any time within sixty days thereafter.

§ 2. That the commissioners shall employ a surveyor and two chain car-

riers, whose duty it shall be to view a straight line from St. Joseph to Plattsburg, or as near as can be, by way of a bridge on or near said route about three miles from Plattsburg, and on the State road leading from that place to Sparta, and the road shall be located on said line, or as near thereto as practicable, due regard being had to the nature of the ground, the interest of the public, and to private interests.

§ 3. The commissioners and surveyor shall each be paid two dollars per day, and the chain carriers one dollar each, to be paid out of the three per cent. fund of said county.

§ 4. The laying off and opening said road shall be governed by the general law prescribing the manner of opening State roads, when not inconsistent with the provisions herein contained.

This act to be in force from and after its passage.

APPROVED, March 17, 1845.

ROADS—STATE.

AN ACT to repeal "an act to lay out and mark a State road from the Hermann and Port William road, in Franklin county, to the St. Louis and Jefferson City State road, in St. Louis county;" approved, Feb'y. 16th, 1843.

An act to establish a certain road, repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That an act entitled "an act to lay out and mark a State road from the Hermann and Port William road, in Franklin county, to the St. Louis and Jefferson City State road, in St. Louis county," approved, February 16th, 1843, be and the same is hereby repealed, and the road laid out by virtue of said act, be and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

APPROVED, March 17, 1845.

ROADS—STATE.

AN ACT to authorize the county court of Franklin county to declare a certain county road a State road.

SECTION 1
The county court of Franklin may declare the county road, from Union to Maupin's, a State road

SECTION 2
No such order to be made unless petitioned for by a majority of the people

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of Franklin county is hereby authorized to make an order declaring a certain county road, (known as the county road leading from Union, or some point near Union, to Thomas Maupin's, in said county of Franklin, and intersecting the Springfield State road,) or any portion thereof, a State road, and vacating any part of the present county road ; and upon the making a special order, said road, or such portion thereof as may be embraced in said order, shall be to all intents and purposes a State road, and be governed by the laws in force regulating State roads.

§ 2. No such order shall be made, unless said county court shall be satisfied, from petition, that it is desired by the people, and would be of general utility to the traveling community, and to the people of said county.

This act to take effect and be in force from and after its passage.

APPROVED, March 17, 1845.

ROADS—STATE.

AN ACT to establish a State road in Sullivan and Putnam counties.

SECTION.		SECTION	
Commissioners appointed to view, &c., a State road from Linnœus to the intersection of the Grand Chariton river, and the northern boundary of this State. Time and place of meeting	1	filled	2
		Surveyor, &c., to be appointed. His duties	3
		Width of road prescribed	4
		Oath to be taken by commissioners	5
		Compensation of commissioners, &c.	6
Vacancies in board of commissioners, how		Expenses, how and by whom paid	7

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That John W. Parsons, of the county of Linn, David W. Vrooman, of the county of Sullivan, and James Cochran, of the county of Putnam, are hereby appointed road commissioners, whose duty it shall be to meet in the town of Linnœus, in Linn county, on the first Monday in June next, or as soon thereafter as practicable, to be agreed upon by themselves, and from thence proceed to survey and mark a State road to the county seat of Sullivan county ; and from thence to the county seat of Putnam ; and from thence to or near the point where the northern line of the State of Missouri crosses the Grand Chariton river, due regard being had to the ground over which said road shall run, and to the advantage to be derived to the public, with the least possible injury to individuals.

§ 2. Should any vacancy or vacancies occur in the board of commissioners, it shall be filled by the appointment of some other person or persons by the remaining commissioner or commissioners.

§ 3. The board of commissioners shall appoint a surveyor, and two chain carriers, to accompany them, and cause their surveyor to make out a complete plat of said road, for the use of the county courts of the coun-

ties through which said road shall pass, to be filed in the office of the county clerk of said counties.

§ 4. It shall be the duty of the county courts of the counties through which said road shall pass, as soon as practicable after the receipt of said plats, to cause so much of said road as is within their respective counties, to be opened at least thirty feet wide, and kept in repair as other roads and highways are opened and repaired.

§ 5. The commissioners, before entering upon the duties assigned them by this act, shall take an oath before some judge or justice of the peace, to the faithful performance of the same.

§ 6. The commissioners and surveyor shall each receive one dollar and fifty cents per day; and the chain carriers one dollar per day, for their services, for each day they may be engaged in laying out said road.

§ 7. The county courts of the counties through which said road passes, shall pay the expenses accruing by this act, out of the three per cent. fund of said county, in proportion to the extent of said road in each county, the amount to be certified by the board of commissioners.

This act to take effect and be in force from and after its passage.

APPROVED, March 19, 1845.

ROADS—STATE.

AN ACT to view and mark out a State road from Carrollton, in Carroll county, to Chillicothe, in Livingston county.

SECTION. 1		SECTION.	
Commissioners appointed to view, &c. a State road from Carrollton to Chillicothe. Time and place of meeting, and route, prescribed	1-2	Time of meeting may be changed	2
		Compensation of commissioners, how paid	3
		Proceedings to be regulated by the general road law	4

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That John Graves and Peter Baxter, of Livingston county, and A. C. Blackwell, of Carroll county, be and they are hereby appointed road commissioners, whose duty it shall be to meet in Carrollton, in Carroll county, on the first Monday in June next, and from thence proceed to view and mark out a State road from Carrollton, by way of Tower bridge, on School creek, and the Chillicothe warehouse, on Grand river, to Chillicothe, on the most practicable and direct route, due regard being had to the ground over which said road may run.

§ 2. Should the commissioners fail to meet on the above named day, it shall be their duty to meet on some other day, to be by them designated, within six months thereafter.

§ 3. The said commissioners shall each receive two dollars per day for each day they are necessarily engaged on said road, out of the three per cent. fund, which is, or may hereafter become due to the counties of Car-

roll and Livingston; which expense shall be paid equally by the counties of Carroll and Livingston, regardless of the length of road in each county.

§ 4. Said commissioners, county courts, and those who may be liable to work on said road, shall, in all respects, be governed by the general law, now in existence, prescribing the manner of opening State roads, approved February 12th, 1839, except so far as the same may relate to the employment of a surveyor and chain carriers.

This act to take effect and be in force from and after its passage.

APPROVED, March 19, 1845.

ROADS—STATE.

AN ACT supplemental to an act to establish a State road in Scotland county, approved, 27th February, 1843.

The road from Memphis to Merrill's ford established as a State road.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the fifth section of the above recited act shall be so construed as to establish the road then opened and travelled, from Memphis to Merrill's ford, on the North Fabius.

This act shall take effect from and after its passage.

APPROVED, March 20, 1845.

ROADS—STATE.

AN ACT to vacate a certain State road in Gasconade county.

Part of the State road from Jefferson city to Hermann vacated.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All that portion of the State road leading from the city of Jefferson to the town of Hermann, that passes through Gasconade county, established by an act entitled an act to establish a State road from Jefferson city to the town of Hermann, approved twenty-second February, eighteen hundred and forty-three, be, and the same is hereby vacated and abolished.

This act to be in force from its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT *to review and mark a State road from St. Joseph, in Buchanan county, to Oregon, in Holt county.*

SECTION	SECTION.
Commissioners appointed to view, &c., a road from St. Joseph to Oregon. Time and place of meeting, and route prescribed 1	Compensation allowed commissioners and others 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Harman Noland, of Holt county, Jeremiah Burns, of Andrew county, and Alfred Rector, of Buchanan county, be, and they are hereby appointed road commissioners, whose duty it shall be to meet at St. Joseph, in Buchanan county, on the first Monday in June next, or some other day thereafter, to be agreed upon by said commissioners, and from thence to view and mark out a State road by way of Nottoway city, in Andrew county, West Union, in Holt county, to Oregon, in Holt county.

§ 2. Said commissioners shall each receive two dollars per day while actually employed in reviewing said road, which shall be paid by the county courts of Holt, Andrew and Buchanan counties, out of the three per cent. fund which shall hereafter become due said counties, in proportion to the length of said road in each of said counties; but said commissioners shall not employ any surveyor or chain carriers.

This act shall take effect from its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT *to change a portion of the State road leading from St. Louis to Springfield, in Greene county.*

SECTION.	SECTION
Commissioners appointed to alter a part of the State road from St. Louis to Springfield. Alteration described, 1	County court to decide between the old and the new route. Road to be at least 30 feet wide. 6
Oath to be taken by commissioners. 2	Compensation of commissioners. 7
Time of meeting may be altered. 3	The portion of said road changed, to be vacated. 8
Vacancies in board of commissioners, how filled. 4	Secretary of State to notify commissioners of their appointment. 9
Commissioners to report to certain county courts. 5	

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That George W. Gibson, and William Gillespy, of the county of Pulaski, and Isham Mattock, of Crawford county, be and they are hereby appointed road commissioners, whose duty it shall be to meet in the town of

Waynesville, in the county of Pulaski, on the first Monday in May next; from thence proceed to review and mark out a portion of the State road leading from St. Louis to Springfield, in Greene county, as it passes through portions of the counties of Pulaski and Crawford, having due regard to the ground over which said road shall pass, as near as can be, as follows: Beginning in the centre of the aforesaid State road at the most practicable point, not exceeding five miles west of where it now crosses the Big Piney Fork of the Gasconade river, thence the nearest and most practicable route to Josiah McKinley's mill, in such a manner as to cross Big Piney above where the road now does, thence the nearest and most eligible route to strike the above named road again, at the most practicable point west of Wishhon's stand, on said road in Crawford county.

§ 2. The above named commissioners before entering upon the duties assigned them by this act, shall severally take an oath before some judge or justice of the peace, for the faithful performance of such duties.

§ 3. Should the board of commissioners appointed under this act, fail to meet at the time and place herein designated, then said board shall meet on some subsequent day, to be agreed upon by said board of commissioners.

§ 4. Should a vacancy occur from any cause in said board, the remaining commissioner or commissioners, shall have power to fill the same or adjourn from time to time as may best suit his or their convenience.

§ 5. It shall be the duty of said board of commissioners as soon as practicable, after the performance of the above named duties assigned to them, to make out and transmit to the county courts of the counties of Pulaski and Crawford respectively, a report of their proceedings under this act.

§ 6. The county courts of the counties of Pulaski and Crawford respectively, as soon as practicable after the receipt of said plats, shall, if it be made appear to the satisfaction of said county courts, such proposed change, would be of more public utility than the present route, cause said road to be opened at least thirty feet wide, by those subject to work on roads, living within six miles of said road, and when opened to be kept in repair as the law requires in other cases.

§ 7. The above named commissioners, shall each receive one dollar per day, for each day they may be necessarily engaged in reviewing and marking out said road, to be paid by the county of Pulaski, out of the road and canal fund of said county.

§ 8. That part of that portion of the State road that this act is intended to change, situate between the last named place of intersection and the fork of said road, near the mouth of Little Piney, shall be vacated so soon as the above named change shall be made, cut out and put in repair for travelling.

§ 9. It shall be the duty of the Secretary of State immediately after the passage of this act, to notify the above named commissioners of their appointment, and the time and place of meeting.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to amend an act to survey and mark out a State road from McDonald, in Barry county, to Perkins' mill in Greene county, and thence to Campbell's mill, in Polk county, approved, February 24th, 1843.

	SECTION.		SECTION.
Part of a certain act repealed.	1	filled.	3
Commissioners appointed to view, &c. a		Surveyor, &c. to be appointed. His duties.	4
State road from E. M. Campbell's to W.		Width of road, &c.	5
Douglass's	2	Compensation of commissioners, &c.	6
Vacancies in board of commissioners how			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That section eight of said bill, of which this is amendatory, be and the same is hereby repealed.

§ 2. That Thomas Rountree, Henry Akard, and Francis Dunnegan, all of Polk county, are hereby appointed commissioners, whose duty it shall be to meet at the house of E. M. Campbell, on the first Monday in June next, or so soon thereafter as a majority of them shall agree upon, and proceed to survey and mark out a State road, beginning at the house of E. M. Campbell, in Polk county, thence running through said Campbell's farm, to the farm of William Devin's; from thence to intersect the State road leading from the town of Bolivar to Boonville, north of William Douglass.

§ 3. Should any vacancy occur in the board of commissioners, the remaining commissioner or commissioners shall fill the vacancy.

§ 4. The board of commissioners shall appoint a surveyor, and two chain carriers, and a marker to accompany them, and shall cause their surveyor to make out a complete plat of said road for the use of the county court of Polk county, to be filed in the office of the clerk of said county.

§ 5. It shall be the duty of the county court of Polk county, as soon as practicable after the receipt of said plat, to cause said road to be opened at least thirty feet wide, and kept in repair as other roads and highways are opened and repaired.

§ 6. The commissioners and surveyor shall each receive one dollar and fifty cents per day, and the chain carriers and marker, one dollar per day, to be paid out of the road and canal fund.

This act to take effect from and after its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to view and mark out a State road from Kirksville to the northern boundary line.

	SECTION.		SECTION.
Commissioners appointed to view, &c., a		Proceedings to be regulated by general road	
State road from Kirksville to the north		law	4
boundary of Missouri	1	Secretary of State to notify the commission-	
Oath to be taken by the commissioners	2	ers of their appointment	5
Compensation of commissioners	3		

Be it enacted by the General Assembly of the State of Missouri, as follows:

- § 1. Henry Davis, William Robertson and James Gates are hereby appointed road commissioners, whose duty it shall be to meet at Kirksville, in Adair county, on the second Monday in May next, and from thence proceed to view and mark out a State road from the said town of Kirksville, by way of William Nailors and James Gates, to the northern boundary line, in the direction of Iowa city, the nearest and most practicable route.
- § 2. The commissioners, before entering on the duties of their office, shall take an oath faithfully to discharge the duties of the same.
- § 3. The commissioners shall each receive one dollar and fifty cents per day for each day they shall be necessarily employed in viewing and marking out said road, to be paid out of the road and canal fund belonging to Adair and Schuyler counties, in proportion to the distance the same may run through said counties, respectively.
- § 4. The commissioners, county courts, and all persons employed necessarily in the viewing and marking out of said road, shall be governed by the provisions of the general road law in such case made and provided.
- § 5. The Secretary of State is hereby required to notify the said commissioners of their appointment, immediately after the passage of this act.
- This act to take effect from and after its passage.
- APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to lay out a State road.

SECTION.		SECTION.
Commissioners appointed to view, &c., a State road from Broadway street, in Jefferson city, to a point on the Versailles road	1	Cost of said road to be paid by subscription 2
		Part of said road to be kept in repair as other roads 3

Be it enacted by the General Assembly of the State of Missouri, as follows:

- § 1. Elias Barcroft, Jefferson T. Rogers and P. Majerly be, and they are hereby appointed commissioners, whose duty it shall be to meet, on the first Monday in April next, at the point where Broadway street crosses Main street, in the city of Jefferson, thence along Broadway to its termination, thence the nearest and best way, so as to intersect the State road leading from the city of Jefferson to Versailles, in Morgan county.
- § 2. Said road shall be cut out and opened by subscription.
- § 3. That part of said road without the corporate limits of the city of Jefferson shall be kept in repair as other State roads, as provided for by the general law upon that subject.
- This act to take effect from its passage.
- APPROVED, March 24, 1845

ROADS—STATE.

AN ACT to declare a certain county road a State road.

	SECTION.		SECTION.
County road from Smith Peters' to the Tus-	1	clared a State road	1
cumbia and Springfield State road, de-	2	Width of said road prescribed	2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That all that part of the county road going from Smith Peters', on Bear creek, in Camden county, by the way of Squire Murpheys, and thence by the way of Benjamin Hookers to its intersection with the State road leading from Tuscumbia, in Miller county, to Springfield, in Greene county, is declared a State road.

§ 2. It shall be the duty of the county court of Camden county, as soon as practicable after the passage of this act, to cause said road to be cut out at least twenty feet wide, and to cause the same to be made a good and passable way, and to cause said road to be kept open as other State roads.

This act to take effect from its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT declaring a certain county road a State road.

	SECTION.		SECTION.
The county road from Linnæus to Chilli-	1	State roads,	2
cothe declared a State road,	1	Said road not to be surveyed,	3
Road to be kept in repair, &c., as other			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county road leading from Linnæus, in Linn county, to Chillicothe, in Livingston county, by way of the bridge on Medicine creek, near Coxe's mill, be and the same is hereby declared a State road.

§ 2. It shall be the duty of the county courts of the counties through which said road passes, as soon as may be after the passage of this act, to cause said road to be opened and kept in repair as other State roads.

§ 3. This act shall not be [so] construed as to require said road to be surveyed.

This act to take effect and be in force from its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to establish a State road from Camden to Taylor's Ferry, on west fork of North Grand River.

SECTION.		SECTION.	
Commissioners appointed to establish a		his duties,	4
State road from Camden to Taylor's fer-		Width of said road, &c.,	5
ry; time and place of meeting; route pre-		Compensation of commissioners, how paid,	6
scribed,	1	Expenses, how paid,	7
Time of meeting may be changed,	2	Oath to be taken by commissioners,	8
Vacancies, how filled,	3	Secretary of State to send a copy of this	
Surveyor and his assistants to be appointed;		act to each commissioner,	9

*[Be it enacted by the General Assembly of the State of Missouri, as follows:] **

§ 1. That Randolph McDaniel, of the county of Ray, John Hawley, of the county of Caldwell, and John Caster, of the county of Daviess, be and [they] are hereby appointed commissioners, whose duty it shall be to meet at the town of Camden, on the third Monday in April next, and proceed to view and mark out a State road from said town of Camden to Taylor's ferry, on the west fork of North Grand river, in the county of Daviess, by the way of the bridge across Goose creek, and Fugett's mill, on shoal creek, in Caldwell county. Said commissioners shall have due regard to the ground over which said road may pass, causing the smallest possible injury to individuals, at the same time consulting the convenience and interest of the public.

§ 2. If the board of commissioners appointed by this act, fail to meet at the time herein specified, then they shall meet on some subsequent day within six months from the time herein fixed for the meeting of said board, to be agreed upon by said commissioners, or a majority of them.

§ 3. Should vacancies occur in the board of commissioners, then the remaining commissioner or commissioners, shall appoint some suitable person or persons to fill any vacancies that may occur, from the county in which such vacancy may have occurred.

§ 4. The board of commissioners shall appoint a competent surveyor and two chain carriers to accompany them, and said surveyor shall make out a complete plat of said road, noticing thereon the courses and distances, and leave one of said plats, so made out, with the county court of each county through which said road may pass.

§ 5. The county courts respectively, through which said road may pass, at their first term after the filing of said plat, as aforesaid, shall make an order causing said road to be opened immediately, at least twenty-five feet wide, by the hands subject to work on roads in their respective counties, and cause the same to be kept in good repair.

§ 6. The commissioners each, and the surveyor, shall receive the sum of two dollars per day, for the time they shall necessarily [be] engaged about said road, and the chain carriers each one dollar per day, for the time they shall necessarily [be] employed about the running and marking out same.

* The enacting clause is wanting in the original, and supplied by the Secretary of State.

§ 7. The county courts respectively, through which said road shall pass, shall pay the expenses accruing by this act out of the road and canal fund, in proportion to the distance said road may run in each county. The amount due each shall be certified to the respective county courts, by said commissioners, or a majority of them.

§ 8. Said commissioners, before entering on the discharge of their duties, shall make an affidavit faithfully to discharge the same.

§ 9. The Secretary of State shall forward a copy of this act to each commissioner immediately after its passage.

This act shall take effect and be in force from and after the passage of the same.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to establish a State Road from Gallatin, through the county seat of De Kalb, to St. Joseph.

	SECTION		SECTION
Commissioners appointed to view, &c., a		paid,	4
State road from Gallatin to St. Joseph;		Vacancies, how filled—oath to be taken, &c,	5
time and place of meeting,	1	Proceedings to be regulated by the general	
Time of meeting may be altered,	2	road law,	6
Surveyor, &c., to be appointed; his duties,	3	The Secretary of State shall notify the	
Compensation of commissioners—how		commissioners of their appointment,	7

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Lemuel Nelson, of the county of Daviess, George W. Shaw, of the county of De Kalb, and Cornelius Roberts, of the county of Buchanan, are hereby appointed road commissioners, whose duty it shall be to meet at Gallatin on the third Monday in May next, and from thence proceed to view and mark out a State road, on the nearest and best route through the county seat of De Kalb county, to St. Joseph, in Buchanan county.

§ 2. Should the commissioners appointed, fail to meet on the day herein designated by this act, then they shall meet on some subsequent day by them agreed upon.

§ 3. It shall be the duty of said commissioners to appoint a surveyor and two chain carriers to accompany them, and cause to be made out complete plats of the road, for the county courts of each county through which any part of said road may pass.

§ 4. The commissioners and surveyor shall each receive two dollars per day; the chain carriers each one dollar per day, for the time they are necessarily employed in performing the several duties required by this act, to be paid by each county through which said road may pass, out of their road and canal fund, in proportion to the length of said road in each county, to be certified by the commissioners to the county court of each county upon oath.

§ 5. Should a vacancy or vacancies occur in said board of commis-

sioners by any cause whatever, the remaining commissioner or commissioners shall fill such vacancy or vacancies, by the appointment of some suitable person or persons; and the said commissioners, surveyor and chain carriers, shall each take an oath for the faithful performance of their duties.

§ 6. Said commissioners; surveyor, chain carriers, the county courts of each county, and those who may be liable to work on said road, shall be governed in all respects by the general law prescribing the mode of opening State roads, approved, February 12th, 1839.

§ 7. It shall be the duty of the Secretary of State, immediately after the passage of this act, to notify the above named commissioners of their appointment, and the time and place of their meeting.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to establish a State road in Morgan county.

SECTION.		SECTION.	
Commissioners appointed to view, &c., a	1 2 3 4	Oath to be taken by commissioners,	5
State road from John Jamison's to By-		Secretary of State to send to the county	6
ler's mill. Time and place of meeting,		clerk of Morgan, a copy of this act, and	
Surveyor, &c., to be appointed,		to notify the commissioners of their ap-	
Plats to be made out, &c.,		pointment,	
Compensation allowed commissioners, &c.,			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. John Jamison, Lewis Jones, and John Porter, of Morgan county, are hereby appointed commissioners, who shall meet at the house of John Jamison, in said county, on the 2nd Monday in May next, for the purpose of viewing and marking out a State road, from thence to intersect the State road leading from Versailles to Bolivar, at or near Byler's mill, in Morgan county.

§ 2. The board of commissioners shall appoint a surveyor and two chain carriers to accompany them in surveying and marking out the road templated in this act, with its courses and distances.

§ 3. It shall be the duty of said commissioners to make out two plats of said road, one of which they shall transmit to the Secretary of State, and the other shall be returned to the county court of Morgan county.

§ 4. The said commissioners shall each be entitled to the sum of one dollar and fifty cents per day for each day they may be necessarily employed in performing the duties required by this act, the surveyor the sum of two dollars, and each chain carrier the sum of one dollar per day, as compensation for their services, to be paid out of the road and canal fund of Morgan county.

§ 5. The said commissioners shall each take an oath before some judge or justice of the peace, for the faithful performance of their duties.

§ 6. It shall be the duty of the Secretary of State, as soon as may be after the passage of this act, to transmit to the clerk of the county court of Morgan county, a certified copy of this act for the use of the commissioners, and shall at the same time transmit to each of the commissioners notice of their appointment.

This act to take effect from its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to establish a State road in Lewis county.

	SECTION		SECTION.
Commissioners appointed to view, &c., a		road law,	2
State road from Lay's bridge, to the		Compensation allowed commissioners, and	
Tully and Newark State road. Time and		others,	3
place of meeting,	1	Width of road fixed,	4
Proceedings to be governed by general			

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That Hiram Yates, A. C. Waltman, and John B. Force, of Lewis county, are hereby appointed road commissioners, whose duty it shall be to meet at Lay's bridge, on North Fabius river, in Lewis county, on the third Monday in May next, and from thence proceed to survey and mark out a State road on the most direct and practicable route, to intersect the State road leading from Tully, in Lewis county, to Newark, in Knox county, at or near a point where the said road crosses Troublesome creek. If said commissioners, or a majority of them fail to meet on the above named day, it shall be lawful for said commissioners to meet on some other day to be agreed upon by them, within six months thereafter.

§ 2. The said board of commissioners, the county court of Lewis county, all who may be employed by said commissioners, and all such as are liable to work on roads and highways, in and near the section of country through which the said road may pass, shall in all respects be governed by the general road law existing on the subject of laying out and opening State roads.

§ 3. That the commissioners who may act in laying out the road aforesaid, shall each be entitled to one dollar and fifty cents per day, the surveyor employed by them shall receive two dollars per day, and the chain carriers each shall receive one dollar per day, for each day they may be necessarily employed in laying out said road, to be audited and paid in conformity with the provisions of the general road law aforesaid.

§ 4. That said road shall be opened at least forty feet wide, any law to the contrary notwithstanding.

This act to take effect from its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to mark out a State road in Perry county.

	SECTION.		SECTION.
Certain road laws revived,	1	filled,	4
Commissioners appointed to re-survey a certain road from Perryville to a certain point on said road,	2	Proceedings to be regulated by the general road law,	5
Time and place of meeting. Time may be changed,	2-3	Compensation allowed commissioners and others,	6
Vacancies in board of commissioners, how		Width of road prescribed,	7
		Expense of opening said road, how paid,	8

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That an act entitled "an act to survey and mark out a State road," approved January 2d, 1843, and the several laws to which the same is supplemental or amendatory, enumerated in the first section of said act, be and the same are hereby revived, or so much of said acts as may be applicable to said road, and may not conflict herewith, after the passage of this act.

§ 2. Reuben Sheb, John Robinson, and William Moore, of Perry county, are hereby appointed commissioners, who shall meet at the town of Perryville, in Perry county, on the third Monday of April, A. D. 1845, who shall then proceed to re-locate and re-survey said road, from the public square in the town of Perryville, to the top of the hill south of the residence of John Robinson, in Bois Brule township, to a point where said road has been graded by order of the county court of Perry county.

§ 3. Should the board of commissioners appointed by this act, fail to meet on the day above designated, they shall meet at some subsequent time, to be agreed upon by the members composing the board, or a majority of them.

§ 4. Should a vacancy occur in the board of commissioners herein designated, by any cause whatever, the commissioner or commissioners having met to perform the duties assigned them, shall fill the same by appointing some other person or persons to fill said vacancy.

§ 5. The board of commissioners, who shall act in re-locating and re-surveying said road, shall cause the same to be surveyed and marked, the courses and distances noted, and plats of said road made, and shall in all respects be governed by the general law, on the subject of State roads, approved, February 12, 1839.

§ 6. The commissioners, surveyor, chain carriers, markers and assistants, who shall act in laying out the road aforesaid, shall each be entitled to the following compensation: commissioner and surveyor, each, two dollars per day; chain carriers, markers and assistants, each, one dollar per day, for each [day] they shall be necessarily employed in the discharge of the duties aforesaid, to be paid out of the road and canal fund of Perry county.

§ 7. Said road shall be laid out sixty feet wide, and shall be opened not less than forty feet, any law to the contrary notwithstanding.

§ 8. The county court of Perry county is authorized to appropriate the road and canal fund, or so much thereof as may be necessary, to cut out and open said road.

This act shall take effect and be in force from and after the passage of the same.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to establish a State road in Wright and other counties.

SECTION.		SECTION.	
Commissioners appointed to view, &c., a State road from Cummings' to Erie. Time and place of meeting	1	Compensation allowed commissioners and others	3
	2	Proceedings to be regulated by the general road law	4

§ 1. That Joseph W. McLery and John Cummings, of Wright county, and Benjamin Hooker, of Camden county, are hereby appointed road commissioners, whose duty it shall be to meet on the first Monday in May next, at or near John Cummings', in Wright county, on the county road leading from Hartsville to Springfield, in Greene county, and from thence proceed to view and mark out a State road, by way of the lead mines in Wright county, to Erie, in Camden county, having due regard to the ground over which said road runs, with the least possible injury to individuals.

§ 2. Should the said commissioners, from any cause, fail to meet on the above named day, it shall be lawful for them to meet on any subsequent day, within nine months thereafter, to be by them designated.

§ 3. Said commissioners and surveyor, shall each receive for their services, two dollars for every day that they may be necessarily employed in viewing and marking out said road; and the chain carriers one dollar per day, for every day they may be so employed; to be paid out of the road and canal fund belonging to the counties through which said road passes, in proportion to the length of said road in each county.

§ 4. Said commissioners, the county courts of said counties, and all those who may be liable to work on roads and highways, shall, in all respects, be governed by the general law, now in force, prescribing the manner of opening and keeping in repair roads and highways, except they may, at their discretion, dispense with the services of a surveyor and chain carriers.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

R O A D S—S T A T E .

AN ACT to establish a State road from George Seiber's, in Lewis county, to John Carson's, in Marion county.

SECTION		SECTION	
Commissioners appointed to view, &c., a		linquishments	4
State road from George Seiber's to John		Reports and plats to be made, &c.	5
Carson's. Time and place of meeting	1	Width of said road prescribed	6
Oath to be taken by the commissioners	2	Compensation allowed commissioners and	
Route of said road prescribed	3	others	7
Duties of the commissioners respecting re-			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Benjamin P. Bowles and Thomas Adams, of Marion county, and George Seiber, of Lewis county, are hereby appointed road commissioners, whose duty it shall be to meet at the house of said Seiber, on the first Monday in June next; and should said commissioners, or a majority of them, fail to meet at the time herein designated, then said commissioners shall meet on some other day, within six months thereafter, to be agreed upon by said commissioners.

§ 2. The commissioners, before entering upon the duties assigned them by this act, shall take an oath or affirmation, before some judge or justice of the peace, that they will faithfully perform the duties required of them by the provisions of this act.

§ 3. Said commissioners shall then proceed to view and mark out a State road, beginning at a point in the State road, leading from Newark to Monticello, where the county road, leading from Palmyra to Newark, intersects said road, east of Seiber's farm, and running, as near as circumstances and the situation of the ground will admit, with the county road above mentioned, to its intersection with the State road, leading from Palmyra to Monticello, at the north end of John Carson's farm, crossing the South Fabius river, at the point selected by the county court of Marion county, for the erection of a bridge, near William McChristy's; or should the said county court select a different site for the erection of such bridge, before the commissioners perform the duties required by this act, then the road shall cross at such point so selected.

§ 4. Said commissioners are hereby authorized to receive conveyances for the right of way for said road, from any person or persons who may be willing to make such conveyances, and shall return such conveyances to the county court in the county in which the land so relinquished may lie.

§ 5. The commissioners shall make report of the review authorized by this act, with a plat of the road, exhibiting the courses and distances, as near as may be, to the county courts of the respective counties through which the road passes.

§ 6. The county courts of the respective counties, through which the road passes, shall, immediately after the review is completed, cause said road to be opened, at least forty feet wide, by the hands subject to work

on roads; and the said road shall thereafter be kept in repair, and managed, in all respects, as other State roads are.

§ 7. The said commissioners shall each receive the sum of two dollars per day for every day they may be necessarily engaged in performing the duties required by the provisions of this act; to be paid out of the road and canal fund of the respective counties through which the road passes, in proportion to the distance in each county.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT relative to a State road in Franklin county, established by an act, approved February 1st, 1839.

SECTION		SECTION	
Commissioners appointed to view, &c, a State road, from the St. Louis and Jefferson City road; to the Union and Jakes Prairie road. Time and place of meeting	1	Compensation allowed commissioners and others	3
	2	Old road to be vacated	4
Vacancies, how filled		All other proceedings to be regulated by the general road law	5

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Benjamin Terry, A. W. Jeffries, and James A. Mealer, are hereby appointed commissioners, whose duty it shall be to meet at the house of C. S. Jeffries, on the second Monday in April, and thence proceed to view and mark out said road; commencing west of the town of Union, on the dividing ridge, between the waters of the Berbous and St. John's; said road, commencing at the above named point on the St. Louis and Jefferson City State road, to intersect the Union and Jakes Prairie road, west of James Criswell's.

§ 2. If any vacancy should occur, from any cause, the remaining commissioner or commissioners shall have power to fill such vacancy.

§ 3. Said commissioners and surveyor, each, shall receive one dollar and fifty cents per day; the chain carriers one dollar per day; to be paid out of the road and canal fund, belonging to the counties through which said road passes.

§ 4. Whenever said road shall be opened, then all that portion of the road as lies between the point of commencing, above the town of Union, where it leaves the St. Louis and Jefferson City road, until it intersects with the new road authorized to be opened by this act, shall be vacated.

§ 5. All other acts to be performed, in opening and laying out said road, shall be governed by the general road law, approved February 12th, 1839.

This act to take effect and be in force from and after its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to establish a State road from California, in Moniteau county, by way of Pisgah, to the city of Boonville.

SECTION.		SECTION.	
Commissioners appointed to view, &c., a State road from California to Boonville. Time and place of meeting	1	Compensation of commissioners, &c.	2
		Proceedings to be regulated according to the	3
		general road law	

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That David James and John Miller, of Cooper county, and Jeremiah Broaddus, of Moniteau county, be, and they are hereby appointed road commissioners, whose duty it shall be to meet at California, in Moniteau county, on the third Monday in April, and shall from thence proceed to view and mark out a State road to the city of Boonville, by the way of Pisgah, in the most direct route, due regard being had to the interest of private property and the ground on which said road shall be located.

§ 2. The commissioners shall each receive two dollars per day whilst engaged in the discharge of the duties required of them by this act; the surveyor two dollars and fifty cents; and the chain carriers one dollar per day.

§ 3. Said road shall be reviewed and opened, as provided for by the act to prescribe the manner of opening State roads, approved February twelfth, eighteen hundred and thirty-nine.

This act to take effect from its passage.

APPROVED, March 24, 1845.

ROADS—STATE.

AN ACT to change a State road leading from Bolivar to Springfield.

SECTION.		SECTION.	
Part of the State road from Bolivar to Springfield altered. Alteration described Commissioners appointed to view, &c., said alteration. Their duties and com-	1	Compensation	2
		Width of said road, &c.	3
		Old road vacated	4
		Vacancies, how filled	5

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That so much of the State road leading from Bolivar to Springfield, in Greene county, is hereby altered, commencing at a point on the section line dividing sections ten and eleven, in township No. thirty, of range twenty-two, twenty rods north of Bennett Roberson's north-west corner on said section line; thence south with said section line three hundred and eighty rods; from thence to intersect the old route at the north end of Joseph Evans' lane.

§ 2. Ezekiel C. Cook, Elisha E. Headlee and Peter Wallace, of Greene county, are hereby appointed commissioners to survey and mark out the al-

teration of said road, and the field notes of the same shall be filed in the office of the clerk of the county court of Greene county, and said commissioners shall each receive one dollar and fifty cents per day, for their services, to be paid out of the road and canal fund of Greene county.

§ 3. It shall be the duty of the county court of Greene county, as soon as the plat and field notes of said survey shall be filed in the office of the clerk aforesaid, to cause said road to be opened at least thirty, and not over sixty feet wide, to be opened and kept up as other State roads.

§ 4. All that portion of the present State road that lies between the point of beginning and the point of intersection of the alteration, according to the provisions of this act, is hereby vacated.

§ 5. Should a vacancy or vacancies occur in the board of commissioners, the remaining commissioner or commissioners shall supply the vacancy.

This act to take effect from and after its passage.

APPROVED, March 26, 1845.

ROADS—STATE.

AN ACT supplementary to an act to establish a State road from Boonville to Georgetown.

SECTION.		SECTION.
A certain survey of a road from Boonville to Georgetown legalized	1	Their duties 3
		Compensation 4
Under certain circumstances, road reviewers may be appointed	2	What part of the road shall be vacated 5
		Act to take effect from its passage 6

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the survey of the route of a State road from Boonville to Georgetown, commenced on the seventh day of February, 1845, at Boonville, by the commissioners appointed by an act entitled "an act to establish a State road from Boonville to Georgetown," approved February 20th, 1845, as far as the same shall have been completed, under the provisions of the aforesaid act, shall be deemed and considered legal and valid to all intents and purposes.

§ 2. If the county court of Cooper county shall be satisfied, upon complaint that said road has not been viewed and laid out according to the provisions of said act, and that material injury has, or will result to any person by the present location, then they shall appoint three persons having the qualifications of road reviewers, as required by the general law upon that subject.

§ 3. Said reviewers shall, as soon as may be, proceed to review that part of said road complained of, and if they shall determine, under all the circumstances of the case, that a change ought to be made, due regard being had to the interest of individuals residing on that part of the road complained of, as also the public interest, they shall proceed to make a change of said

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road, and shall report the change made, to the county court of Cooper county, and if said court shall approve the change so made, the same shall be, and is hereby declared to be a continuation and part of said State road.

§ 4. The reviewers shall each receive such compensation as the county court of Cooper county shall allow.

§ 5. That part of said road reported against, shall be, and is hereby declared to be vacated.

§ 6. This act shall take effect from and after its passage.

APPROVED, March 26, 1845.

ROADS—STATE.

AN ACT declaring a certain county road a State road.

SECTION.		SECTION.
A certain county road from Keytesville to Compton's ferry, declared a State road.	1	Said road to be opened, &c. as other State roads. 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the present county road leading from Keytesville, in Chariton county, by way of Patrick Woods' to Compton's ferry, be and the same is hereby declared to be a State road.

§ 2. It shall be the duty of the county court of the county through which said road passes, to cause said road to be opened and improved as other State roads are required to be opened and improved.

This act to take effect and be in force from and after its passage.

APPROVED, March 27, 1845.

SCHOOLS, SCHOOL LANDS, &C.

AN ACT to authorize the county court of Boone county to pay over certain moneys to the order of the county court of Callaway county.

SECTION.		SECTION.
The Boone county court to pay the Callaway county court certain school moneys.	1	The interest of said moneys, if loaned, to be paid to the Callaway county court. 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That it shall be the duty of the county court of Boone county, to cause the treasurer of said county to pay to the order of the county court of Callaway county, all the money under the control of said county court of Boone county, arising from the sale, (or any part thereof) of section sixteen, township forty-six, north, and range eleven west.

§ 2. That should the said moneys be loaned out at interest according to

law, then the county court of Boone county shall cause the interest to be paid annually to the order of the county court of Callaway county, until the bonds shall become due and collected, and then the principal as well as the interest shall be transferred from the Boone county court to the Callaway county court.

This act to take effect and be in full force from and after its passage.

APPROVED, February 13, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT respecting a school township in St. Charles county.

If the report of school township 47, range 2, be made within a certain time, Superintendent shall receive it, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. If the report for the year eighteen hundred forty-four of schools taught in township forty-seven, range two, in St. Charles county, shall be received by the superintendent of common schools, on or before the first day of June next, it shall be his duty, if said report contains all the facts required by law to be reported to him, to regard the said report as made to him before the fifteenth of January of this year, and apportion to said township the proper amount of State school moneys accordingly.

This act shall take effect from its passage.

APPROVED, Feb. 19, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT to legalize the sale of certain township school lands.

Certain sales of lands belonging to school townships 48 and 49, range 17 west, made by Owen Rawlins, legalized.

SECTION.

1

Purchasers entitled to patents for said lands.

SECTION

2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sales of township school lands made by Owen Rawlins, in the year eighteen hundred and thirty-five, for the inhabitants of the congressional townships forty-eight and forty-nine, of range seventeen west, in Howard county, are hereby declared legal.

§ 2 The purchasers of said lands at said sales, shall, upon making proof to the county court of said county, of full payment for said lands, according to the terms of said sale, be entitled to patents for the same.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 25, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT to authorize the county court of Grundy county to sell sixteenth sections.

	SECTION		SECTION
The county court of Grundy county released from certain restrictions in the		sales of township school lands, Sales, how conducted,	1 2

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Whenever a majority of the citizens of any congressional township, in the county of Grundy, shall petition the county court of their respective counties to sell the sixteenth sections of their respective townships, the court, if it think proper, may order the sale of such sixteenth sections, although there may not be fifteen householders in said township, any law to the contrary notwithstanding.

§ 2. All sales of lands made under the provisions of this act shall be considered, in every respect, in accordance with the law now regulating the sales of the sixteenth sections.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 27, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT relative to Common Schools in Perry county.

	SECTION.		SECTION
The treasurer of Perry county shall deliver to the school commissioners of townships in said county, certain bonds, notes, &c.,		said bonds, &c.,	3
Each commissioner to give bond,	1	The same duties imposed upon the treasurer and commissioners in the case of any township hereafter organized,	4
Duties of the commissioners respecting	2	In all other respects, the general school law shall be in force,	5

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That it shall be the duty of the treasurer of the county of Perry, on or before the first day of April next, to deliver over to the commissioner of each school township in the said county of Perry, organized under "an act to provide for the support, organization and government of common schools," approved, 9th February, 1839, all the bonds, notes and other evidences of debt, which belong to said school townships respectively, taking the receipt of said commissioners therefor.

§ 2. Before any such commissioner shall be entitled to receive such notes, bonds and evidences of debt, he shall execute to the State of Missouri a bond, with sufficient security, in a sum double the amount of such notes, bonds and evidences of debt, conditioned for their safe-keeping, and

the delivery of such as remain uncollected, to his successor in office, which bond shall be filed in the office of the clerk of the county court of Perry county.

§ 3. It shall be the duty of said commissioner to safely keep such bonds, notes and evidences of debt, and he is hereby authorized to collect the same or any part thereof, and to loan out the proceeds, if necessary, on the same terms and conditions that loans are now directed to be made of township school funds.

§ 4. Whenever any township is hereafter organized in Perry county, for school purposes, under the act before recited, it shall be the duty of the county treasurer of said county to surrender to the commissioner of such township all the bonds, notes and evidences of debt belonging to said township, and the said commissioner shall have the same rights and perform the same duties, as are prescribed hereinbefore, in relation to commissioners of townships in said county already organized.

§ 5. In all other respects, not inconsistent with this act, the county treasurer and the school commissioners of said county of Perry, shall be formed (governed) by the provisions of the "act to provide for the (organization) support and government of common schools," approved, Feb. 9, 1839.

This act shall take effect from its passage.

APPROVED, March 6, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT concerning the School Lands in St. Louis county.

The St. Louis county court may, under certain conditions, rescind contracts, and reduce the interest paid by purchasers, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of the county of St. Louis are hereby authorized, in all cases in which they may deem it expedient so to do, to rescind contracts for school lands of said county, with purchasers or holders thereof, and also to reduce the rate of interest now paid by the purchasers of school lands of said county, from ten per cent. per annum to any rate not lower than six per cent. per annum; *Provided*, that in all such cases presented for the consideration of said court, it shall be made satisfactory to appear to the court that two-thirds of the free white house holders in each congressional township to which said lands purchased may have belonged, are willing to such action of the court.

This act to take effect from its passage.

APPROVED, March 10, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT to legalize the sale of certain school lands in the county of Grundy.

	SECTION 1		SECTION 2
The sale of land belonging to school township 61, range 24, legalized	1	Purchasers entitled to patents	

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sale made of the sixteenth section of township sixty-one, of range twenty-four, in obedience and conformity to an order of the county court of Livingston county, in the year of our Lord, 1839, is hereby legalized, notwithstanding the return of said sale was not made by the proper officer to the Register of Lands, at Jefferson City, within the time prescribed by law.

§ 2. When any person, who may have purchased any part of said sixteenth section, may pay the amount of principal and interest of said purchase, or any person for him, to the proper officer to receive the same in Grundy county, the county court of Grundy county shall certify the same to the Register of Lands, at Jefferson City, and the Register of Lands, thereupon, shall issue his patent to the person paying for the land, as though the law had been strictly complied with in every particular.

This act to take effect from its passage.

APPROVED, March 15, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT respecting certain school lands in Pettis county.

The title to a part of section 16, township 46, range 21, upon payment of purchase money, shall vest in the heirs, &c. of John Burch.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That if John Burch, or any person for him, has paid to the county of Pettis, the purchase money in full for such portion of section sixteen, in township forty-six, north of the base line, in range twenty-one west, purchased by said Burch, of said county, at the public sale of said sixteenth section, made in pursuance of law, then, and in that case the legal title to such land shall descend to his heirs, or be vested in his legal representatives, or any purchasers from him, as fully, in every respect, as if a patent had been issued to said Burch before his death.

This act shall be in force from and after its passage.

APPROVED, March 17, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT *relative to common schools in Howard county.*

	SECTION		SECTION
The treasurer of Howard county shall deliver to the township school commissioners, certain bonds, &c.	1	The same duties, &c., imposed on the treasurer and commissioners, regarding townships hereafter organized	4
Commissioners required to give bond, &c.	2	In other matters the general school law to be in force. Compensation allowed commissioners	5
Duties of said commissioners respecting said bonds, &c.	3		

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That it shall be the duty of the treasurer of the county of Howard, on or before the first day of April next, to deliver over to the commissioner of each school township, in the said county of Howard, organized under an act to provide for the support, organization and government of common schools, approved ninth February, eighteen hundred and thirty-nine, all the bonds, notes, and other evidences of debt, which belong to said townships, respectively, taking the receipts of said commissioner therefor, respectively.

§ 2. Before any such commissioner shall be entitled to receive such notes, bonds and evidences of debt, he shall execute to the State of Missouri a bond, with sufficient security, in a sum double the amount of such notes, bonds, and other evidences of debt, conditioned for their safe-keeping, and the delivery of such as remain uncollected, to his successor in office; which bond shall be filed in the office of the clerk of the county court of Howard county.

§ 3. It shall be the duty of said commissioner to safely keep such bonds, notes, and evidences of debt; and he is hereby authorized to collect the same, or any part thereof, and to loan out the proceeds, on the same terms and conditions that loans are now directed to be made of township school funds.

§ 4. Whenever any township is hereafter organized in Howard county, for school purposes, under the act before recited, it shall be the duty of the county treasurer of said county, to surrender to the commissioner of said township, all the bonds, notes, and evidences of debt, belonging to said township, and the said commissioner shall have the same right, and perform the same duties as are prescribed hereinbefore, in relation to commissioners of townships in said county already organized.

§ 5. In all other respects, not inconsistent with this act, the county treasurer and the school commissioners of said county of Howard, shall be governed by the provisions of the act to provide for the organization, support and government of common schools, approved February ninth, eighteen hundred and forty-nine [thirty-nine.] The commissioners in this act shall receive one-half of one per cent., as a full compensation for their services; to be paid out of the interest accruing to each township, and no more.

This act shall be in force from and after its passage.

APPROVED, March 19, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT *relative to the District School Township 44, in Cole county.*

SECTION. 1	SECTION. 2
The proportion of the value of the school house in township 44, in Cole county, heretofore awarded the new district, le-	galized, The trustees of the old district shall levy said amount,

Whereas, in the year 1831, a school house was built in Township 44, in Cole county, from the proceeds of the township school fund, and the district was afterwards divided into two districts, leaving the school house in the Jefferson district, the proportion of the value of said school house due the new district was not made by the commissioner from the taxable property of the inhabitants of said township, as provided for by law, but from the number of children over six and under eighteen years of age; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The proportion as above stated by the commissioner of township 44, in Cole county, is hereby declared legal, and shall be considered as valid, to all intents and purposes, as if made in conformity to an act to provide for the organization, support, and government of common schools, approved, 9th February, 1839.

§ 2. The trustees of the district retaining said school house, shall raise, levy and collect the proportion aforesaid, as fully as if the said proportion had been established according to the act aforesaid.

This act shall take effect from and after its passage.

APPROVED, March 24, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT *for the benefit of Township 44, Range twelve, in Cole county.*

The Superintendent of common schools shall regard the report of the trustees of school district No. 18, in township 44, range 12, as though he had received it at the proper time.

Whereas, the report of the trustees of school district No. 18, in township 44, range 12, in Cole county, did not reach the superintendent of common schools, in the time prescribed by law, although said report was filed in the clerk's office of said county, in time sufficient for this purpose; For remedy whereof,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That, in making his apportionment of State school moneys, on [in]

the month of July, A. D. 1845, the superintendent of common schools shall regard the said report as if made in due time, and the said school district shall be entitled to all the rights and benefits to which it would have been entitled, if the said report had been received by the superintendent in due season.

This act to take effect from its passage.

APPROVED, March 26, 1845.

SCHOOLS, SCHOOL LANDS, &c.

AN ACT to authorize the acting sheriff of St. Clair county, to report to the county court of said county, the sales of certain school lands made by former sheriff.

The county court may authorize the acting sheriff to report the sales of certain school lands made by John Smare, former sheriff.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Whenever the county court of St. Clair county shall be fully satisfied, from evidence, that John Smare, deceased, late sheriff of said county, has made sale of any school lands in said county, for which bonds have been executed and not reported by said Smare, as required by law, then in that case the acting sheriff of said county shall be authorized to make report of the sales of said school lands to said court, which report shall be of the same force in law, as if the same had been made by said Smare in his life time.

This act to be in force from its passage.

APPROVED, March 27, 1845.

SEMINARY.

AN ACT to provide for the erection of a Seminary of learning in the town of Osceola.

The interest of the school fund of township 38, range 25, may, on certain conditions, be employed in the erection of a Seminary at Osceola.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That whenever two-thirds of the legal voters of township thirty-eight, in range twenty-five, in St. Clair county, shall petition the county court of said county to apply the interest which has accrued on the school fund arising from the sale of the sixteenth section of said township, to the building of a seminary of learning in the town of Osceola, in said county of St. Clair, the county court of said county, upon being

satisfied that said petition is signed by two-thirds of the legal voters of said township, shall make an order appropriating said interest to the building of a seminary of learning in said town of Osceola. Said seminary to be built under the control and direction of said county court.

This act to take effect from and after its passage.

APPROVED, Feb. 28th, 1845.

STRAYS.

AN ACT to repeal an act concerning strays in Jefferson county, approved, Feb. 25th, 1843.

A certain act concerning strays in Jefferson county, repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That an act entitled an act concerning strays in the county of Jefferson, approved, the 25th day of February, 1843, shall be and the same is hereby repealed.

This act to take effect from its passage.

APPROVED, Feb 6, 1845.

SURVEYOR—COUNTY.

AN ACT concerning the county surveyor of St. Louis county.

SECTION.	SECTION.
St. Louis county court to appoint a county surveyor. His tenure of office. Court to notify the Governor of said appoint-	ment, who shall issue a commission. 1 Times of holding elections for county surveyors in said county. 2

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The county court of St. Louis county, are hereby authorized, immediately after the passage of this act, to appoint a county surveyor for said county, who shall hold his office until the period of the general election, in said county, for the year one thousand eight hundred and forty-eight, and said court shall inform the Governor of said appointment, who shall immediately issue to said surveyor, a commission under the existing law.

§ 2. The next election by the people for county surveyor of said county of St. Louis, shall be held at the period of the general election in said county, for the year one thousand eight and forty-eight, and every four years thereafter.

This act to take effect from its passage.

APPROVED, March 24, 1845.

TOMB.

AN ACT to provide for erecting a tomb over the remains of his excellency Thomas Reynolds, late Governor of the State of Missouri.

SECTION.

SECTION.

A tomb to be erected over the remains of the late Governor Thomas Reynolds.

1

\$200 appropriated therefor.

Work to be paid for when completed, how.

2

3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Commissioner of the Permanent Seat of Government, is hereby required, under the direction of the Secretary of State, to cause a suitable tomb to be erected over the remains of his Excellency Thomas Reynolds, late Governor of the State of Missouri, and to cause a suitable inscription to be inscribed thereon.

§ 2. The sum of two hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for carrying into effect the provisions of this act.

§ 3. When the work shall be completed according to contract, the Secretary of State shall certify the fact to the Auditor of Public Accounts, and the sum contracted for, upon which authority the Auditor shall draw his warrant on the Treasurer in favor of the proper person.

This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 21, 1845.

TOWNS.

AN ACT to legalize the proceedings of the trustees of the town of Weston, in Platte county, and for other purposes.

SECTION

SECTION.

Certain sales of lots made by the trustees of Weston, legalized; and deeds executed by them in pursuance thereof, shall be valid.

1

The said trustees may dispose of all lots in said town as they may ordain.

2

The trustees may decide between conflicting titles to lots, &c.

3

The clerk of the board of trustees may administer oaths, &c., and depositions may be read in such trials.

4

Deeds to be signed by the chairman, and attested by the clerk of said board.

5

Valuation of lots to be valid; and payment made before a deed is executed. Money deposited in the town treasury.

6

Any lot not claimed or paid for within a certain time, may be re-sold.

7

Streets, &c. to vest in the trustees.

8

The powers, &c. of the trustees shall extend to their successors.

9

WHEREAS, the Congress of the United States by an act approved May twenty-third, eighteen hundred and forty-four, entitled, "An Act for the relief of the citizens of towns upon lands of the United States, under certain circumstances," among other things provided, that whenever a portion of the surveyed public lands, has been, or shall be settled upon and occupied as a town site, and therefore not subject to entry under

the existing pre-emption laws, it shall be lawful, in case such town or place shall be incorporated, for the corporate authorities thereof, and if not incorporated for the judges of the county court for the county in which such town may be situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied, in trust for the several use and benefit of the occupants thereof, according to their respective interests; and whereas, a portion of the people of this State settled upon and occupied as a town site, a portion of the lands of the United States, described in an act of the General Assembly of this State, approved February twenty-third, eighteen hundred and forty-three, in the manner mentioned in the said act of Congress; and whereas, such portion of the lands of the United States, and the inhabitants thereof were incorporated by the aforesaid act of the General Assembly, by the name and style of "The inhabitants of the town of Weston;" and whereas, the trustees of the said town of Weston, did, in conformity to the act of Congress aforesaid, enter the lands included in the said town of Weston; and whereas, the said act of Congress further provided that the execution of the trust in said act of Congress specified, as to the disposal of the lots in said town, and the proceeds of the sales thereof, shall be conducted under such rules and regulations as may be prescribed by the legislative authority of the State or Territory, in which the same is situated; and whereas, in view of the necessity created by a dispensation of Providence, in the destruction by flood of valuable improvements, necessary to the growth and prosperity of the said town of Weston, the trustees of said town did, without waiting the legislative action of the State of Missouri, as required by the act of Congress aforesaid, upon the petition of the inhabitants thereof, sell a portion of the lots in said town, and apply a portion of the proceeds thereof in rebuilding the improvements destroyed as aforesaid, and for other purposes; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the sales of the lots in the said town of Weston, made by the trustees thereof in manner aforesaid, shall and the same are hereby declared to be valid, and the deeds and assurances executed or to be executed by the corporate authorities of said town, in pursuance of such sales, shall be as effectual to pass the title to the purchasers thereof, as if said lots had been sold in conformity to the directions of the legislative authority of this State, and the said appropriation of the said portion of the proceeds of said sales, is hereby declared to be valid to all intents and purposes.

§ 2. It shall be lawful for the trustees of said town to proceed in the sale and disposal of all lots or parcels of ground in said town, in such manner as they may ordain, executing deeds for the same in conformity with the provisions of this act.

§ 3. In all cases when there shall be a dispute or contest, in regard to the title to any such lot or lots or parcel of ground in said town, the trustees of said town shall hear the testimony relating thereto, and shall give their deed

to such person or persons, as may seem to be justly entitled to the same; provided however, nothing contained in this act shall be so construed, as to prevent any person or persons aggrieved by the decision of the said trustees, from pursuing his, her or their right to any such lot or lots or parcel of ground at law or equity.

§ 4. The clerk of the board of trustees of said town, shall have power to administer oaths and affirmations to any witnesses produced to said trustees, in all cases of contested or disputed titles to any such lot or lots, or parcel of ground in said town; and in all such cases, depositions taken in pursuance of the laws of this State, may be read as evidence before said trustees.

§ 5. All deeds to be executed under the provisions of this act, shall be signed by the chairman of the board of trustees, and attested by the clerk of said board, with the seal of the corporation of said town affixed.

§ 6. The valuation which the trustees of said town have caused to be made, or may hereafter cause to be made upon any lot or lots or any parcel of ground in said town, shall be, and the same is hereby declared to be valid; and the sum or sums required by said trustees, according to such valuation, to be paid by claimants to any lot or lots or parcel of ground, aforesaid, before a deed therefor shall issue, it shall and may be lawful for the said trustees to demand and receive on behalf of the inhabitants of said town; and all sums of money received by the said trustees under the provisions of this act, shall be deposited in the treasury of said town, to be appropriated and disposed of by the trustees thereof, in such manner as they may deem most expedient for the benefit of the inhabitants of said town.

§ 7. Any lot or lots or parcel of ground in said town, the right to which shall not be claimed; or payment for which shall not be made within six months from and after the passage of this act, may be sold by order of said trustees for the amount due thereon and costs, sixty days notice of the time and place of such sale being given in some newspaper printed in this State.

§ 8. All ground in said town which may according to the plat of said town on file in the office of the clerk of the circuit court of Platte county, be set apart for streets, avenues, wharves, or other public purposes, the same shall vest in the trustees of said town, for the use and benefit of the inhabitants thereof forever.

§ 9. The powers conferred upon the trustees of said town by this act, shall be understood as extending to their successors in office.

This act shall be in force from and after its passage.

APPROVED, January 4, 1845.

TOWNS.

AN ACT to vacate Peaks and Henning's addition to the town of St. Francisville, in the county of Clark.

A certain part of St. Francisville vacated, and may be enclosed, &c., by the owners.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That all that part of the town of St. Francisville, known and described in the plat of said town as Peaks and Henning's addition, be, and the same is hereby vacated, and the owner or owners of said addition are hereby authorized to enclose or fence up, for cultivation, the same; provided that nothing in this act shall be so construed as to interfere, in any manner, with the rights of other persons who may own lots in said town of St. Francisville.

This act to take effect from and after its passage.

APPROVED, February 19, 1845.

AN ACT to close Randolph street, in the town of Glasgow, and for other purposes.

	SECTION.		SECTION.
The owners of certain lots in Glasgow, authorized to make certain alterations in certain streets, &c.	1	summary manner, whose decision shall be final	3
Commissioners appointed to examine the alterations and assess damages, &c. Appeals allowed	1	Any additional lots, hereby created, shall vest in the corporation	4
To the circuit court, to be determined in a	2	A plat of the alteration to be filed in the office of the Howard county court	5

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The proprietors of the lots in block Nos. 28, 33, 44, 45, 48 and 49, or a majority of them, are hereby authorized and required to close Randolph street, in the town of Glasgow, and to extend Saline street the width of seventy-five feet, to the eastern boundary of said town, and that they shall be authorized to make such alterations in block Nos. 28, 33, 44 and 45, as will correspond with the adjoining blocks; all lots fronting north and south to be fifty feet front by 75 feet deep; and all those fronting east and west to be fifty feet front by 100 feet deep; that blocks 48 and 49 be altered, as in their judgment shall seem best, without prejudice to the present proprietors of lots in said blocks.

§ 2. William R. Barton, James S. Thompson and Walter G. Chiles, be, and they are hereby appointed commissioners to examine the alterations made in the lots of said blocks, through which Randolph street passed, and shall assess such damages, to those injured, as in their judgment is just, and apportion the payment of the same among those benefitted by the change, who are required to pay the same, as other debts; and the said commissioners shall make report, under oath, to the proprietors; provided, that if any person or persons damaged by the change, shall be dissatisfied with the decision of the commissioners, such person or persons may appeal to the circuit court of Howard county, if a notice of such appeal be given within ten days after the decision of the commissioners.

§ 3. All cases of appeal, as provided for in the foregoing section, shall be heard by the circuit court, in a summary manner, without the forms of pleading, and either of the parties may have a jury, and the decision of such court shall be final and conclusive between the parties.

§ 4. The proprietors of lots in the blocks altered by this act, shall hold and retain the same number of lot or lots which they held before such alteration, abiding, in all respects, the alteration; and that in the alteration of the plat of said town, should there be any additional lots created, above the number in the original plat of said town, such additional lots shall vest in the corporation of said town.

§ 5. The proprietors of the blocks altered by this act, or a majority of them, shall, within sixty days after the passage of this act, file in the office of recorder of Howard county, a plat of said alteration, which shall be appended to and form a part of the original plat of said town.

This act to take effect and be in force from and after its passage.

APPROVED, Feb. 20, 1845.

TOWNS.

AN ACT to vacate a part of Water street in Wayland's addition to the town of St. Francisville, in Clark county.

A certain part of Water street, in St. Francisville, vacated, and may be enclosed, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That so much of Water street, in Wayland's addition to the town of St. Francisville, in Clark county, as lies in front of lots number five, six, seven and eight, in block number twenty-one, be and the same is hereby vacated; and the owner or owners of the part hereby vacated are authorized to fence up and enclose, or use the same in any other way; provided, that nothing in this act shall be so construed as to interfere, in any manner, with the rights of other persons who may own lots in said town.

This act to take effect from and after its passage.

APPROVED, Feb. 21, 1845.

TOWNS.

AN ACT to annul the survey of the town of Oregon, in Lawrence county.

	Section.		Section.
The original survey of the town of Oregon declared void	1	vey it under the provisions of the general law	2
The proprietors of said town may re-survey		Act to take effect from its passage	3

WHEREAS, it appears to this General Assembly, from the petition of the pro-

prietors of the town of Oregon, in Lawrence county, that said town was irregularly laid out, and surveyed before a title to the same was obtained from the general government; and whereas, the proprietors pray that the original survey of said town be rendered null and void, in order that a new and more correct survey of said town may be made; Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the original survey, as recorded in Barry county, of the town of Oregon, on Spring river, in Lawrence county, is hereby declared null and void.

§ 2. That Frederick Bowers, Zebulon Dunkle and John Lemons, the proprietors of said town, are hereby authorized to make a re-survey of the same, to be governed therein in conformity with the general law on the subject of the plats of towns and villages.

§ 3. This act to be in force from and after its passage.

APPROVED, Feb. 28, 1845.

TREASURER—LATE.

AN ACT to provide for the settlement of the accounts of Abraham McClellan, late Treasurer.

SECTION		SECTION
1	The State Treasurer to proceed to St. Louis and examine the accounts of A. McClellan, late Treasurer, with the Bank	2 Assembly
	If said McClellan has been charged with too much, the Treasurer shall report it to the Auditor, who shall credit the said McClellan, and report to the next General	3 Time allowed said McClellan to pay up in, and rate of interest to be charged. Bond required, &c.
		4 Traveling expenses of the Treasurer to be paid out of the general contingent fund

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Treasurer shall cause to be ascertained if any mistake has occurred in the settlement of the accounts of Abraham McClellan, former Treasurer of this State, with the Bank of the State of Missouri; and for that purpose the Treasurer of this State shall, at some convenient period, after the adjournment of the present session of the General Assembly, proceed to the city of St. Louis for that purpose, and shall take with him all the bank books and accounts, furnished by the Bank to the said A. McClellan, former Treasurer, together with all the cancelled checks.

§ 2. If, upon examination, the Treasurer shall discover that the Bank erroneously charged the said McClellan with a greater amount of money than has actually been drawn from said Bank, upon the checks of the said late Treasurer, then and in that case he shall report the facts to the Auditor of Public Accounts, who shall enter to the credit of the former

Treasurer the amount of such overcharge, and charge the Bank with the same, and report the facts to the next General Assembly.

§ 3. If, after such examination and correction, there should still be a deficit in the Treasury, charged to the said Abraham McClellan, he shall be allowed a period of not exceeding twelve months from the passage of this act, to pay into the State treasury the amount due, with interest at the rate of six per centum per annum, from the thirteenth day of February, one thousand eight hundred and forty-three, and all expenses incurred by the Treasurer under this act; *Provided, however,* to obtain the indulgence proposed in this act, the said McClellan shall give to the Auditor of Public Accounts a bond payable to the State of Missouri, with such security as the Auditor shall approve, for the payment of the amount due the State at the time specified in said bond.

§ 4. The traveling expenses of the Treasurer, in carrying into effect the provisions of this act, shall be paid out of the general contingent fund.

This act to take effect from its passage.

APPROVED, March 27, 1845.

TRESPASSES.

AN ACT to prevent certain trespasses in the county of St. Louis.

	SECTION		SECTION
Punishment for certain trespasses in St. Louis	1	shall pay costs, &c.	2
is county		This law inapplicable to certain persons	3
If the trespasser be insolvent, the owner			

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That every person who may wilfully and unlawfully cut down; destroy, carry away, or injure any timber whatsoever, on any lands in said county, not his own, and every person who may wilfully and unlawfully remove any stone or earth from any lands in said county, not his own, and every person who may, without some evidence of title, or without authority from some one having some evidence of title, wilfully and unlawfully take possession of any land in said county, and on demand of the owner thereof, refuse to surrender possession, shall be deemed guilty of a misdemeanor, for which he shall be subject to indictment in the criminal court of said county, and on conviction therefor, shall be fined in a sum not to exceed one hundred dollars, or imprisoned in the jail of said county, for a time not to exceed six months, or by both such fine and imprisonment.

§ 2. In all cases of conviction under this act, the person convicted shall be sentenced to imprisonment in jail until the fine and costs be paid, but the court may commute the fine to imprisonment in jail, for a term not to exceed three months.

§ 3. In all cases in which persons may be imprisoned under this act, and be insolvent, and unable to pay costs adjudged against them, the same shall be paid by the owner of the property trespassed upon, which in his hands shall be a debt against such offender or trespasser, collectable at any time as are costs in other criminal cases; *Provided*, the provisions of this act shall not be construed to extend to persons moving or traveling on the highways, nor to any persons going to or returning from market. This act to take effect from its passage.

APPROVED, March 24, 1845.

UNIVERSITY—STATE.

AN ACT to enable the State University to borrow money.

SECTION		SECTION.	
The Curators of the University authorized to borrow a certain sum of money, on certain terms, &c ,	1	the liabilities of the University,	3
		Said loan, if not sufficient to pay all of said liabilities, to be apportioned <i>pro rata</i> ,	4
The Bank of Missouri and Branches authorized to loan the same,	2	The Bank of Missouri may buy certain warrants, and may use them in the payment of certain dividends,	5
		Said loan to be applied to the payment of	

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Curators of the University of the State of Missouri, are hereby vested with power and authority, to negotiate for a loan to the amount of twelve thousand dollars with the Bank of the State of Missouri, or any of its branches, for a time not to exceed ten years, and at a rate of interest not to exceed six per cent. per annum, the interest to be paid out of the dividends declared by the Bank in favor of the Seminary fund; the amount due with all unpaid interest, to be paid at the expiration of the time for which the same was loaned, out of any surplus dividends of said Seminary fund, not expended in payment of the accruing interest of said loan, and in the necessary support of the said University as provided by law, or said loan and interest may be discharged by any funds that the General Assembly shall by law provide for that purpose.

§ 2. The Bank of Missouri or any of its branches is hereby authorized and empowered to make such loan in the first section hereof specified, to the Curators of the University of the State of Missouri, upon such terms as said Bank, or any of its branches, shall deem just and prudent, under the limitations and restrictions in the first section hereof specified.

§ 3. Should said Curators procure the loan herein contemplated, from the Bank or any of its branches, they shall appropriate the same to the liquidation and discharge of the liabilities of the said University.

§ 4. Should such amount, as shall be so borrowed as aforesaid, not be sufficient to discharge the whole liabilities of said University, the same shall be appropriated in the discharge of said liabilities, *pro rata*, in proportion to the several amounts of such liabilities.

§ 5. In case warrants drawn by the President of the Board of Curators of the University in favor of the President or Professors of the University, be not paid on presentation at the treasury of the Board, the treasurer shall countersign the same, and affix thereto the seal of the University; and the Bank of the State of Missouri is hereby authorized to purchase said warrants, or to make advances thereon on such terms as she shall deem just and prudent; and all such warrants holden by the Bank shall be applicable *pro tanto* in payment of any dividends accruing on the stock of said Bank belonging to the Seminary fund.

This act to take effect from and after its passage.

APPROVED, March 10, 1845.

UNIVERSITY—STATE.

AN ACT, supplementary to, and explanatory of, an act entitled "an act to enable the Curators of the University of the State of Missouri, to borrow money," approved, March 10th, 1845.

SECTION.	SECTION.
The Curators of the University may borrow; and the Bank may lend a certain sum of money. The loan may be made due within one year or less, subject to renewal within a certain limit, 1 The personal and real property of the	University may be pledged for the payment of the loan, and interest thereon, 2 The State shall not be liable to the Seminary fund for any loss; nor shall the Bank suffer any loss by means of said loan, 3

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The act to which this is supplementary and explanatory, shall be so construed that the Curators of the University may negotiate the loan, and the Bank of the State of Missouri, or any of its branches may, under the restrictions and limitations in said act specified, make said loan in said act specified, to fall due within twelve months, or any shorter time, renewable, however, from time to time, as may be agreed upon by said Curators, and said Bank or any of its branches; *Provided*, that no such renewals shall extend beyond the period of ten years, as specified in the act to which this is supplementary and explanatory.

§ 2. The said Curators are hereby authorized and empowered to make, and the said Bank or any of its branches are hereby clothed with power to receive, a pledge of so much of the personal or real property of said University, as may be agreed upon by said Curators, and said Bank or any of its branches, as may be necessary to secure said Bank or any of its branches, in the ultimate payment of said loan, and any interest that may accrue on the same.

§ 3. Nothing in this act, or the act to which this is supplementary and explanatory, shall be so construed as to make the State of Missouri liable to the Seminary fund for any loss (if any) that may accrue to said fund

by the loan authorized in, said act, nor shall said loan in any event become a charge or loss to said Bank or any of its branches.
This act to take effect from its passage.

APPROVED, March 20, 1845.

WATER COURSE.

AN ACT to authorize the change of a certain water course.

	SECTION		SECTION.
The county court of Clay may change a certain water course,	1	ters, before ordering said change,	2
The court must be satisfied of certain mat-		Damages to be assessed. How paid,	3

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of Clay county shall have power to authorize the change of a water course in said county, called the Town branch, so that the waters of said branch shall be discharged into the Missouri river through a slough.

§ 2. Before an order is made by said court for a change of said water course, they shall be satisfied that it is necessary for the health of the neighborhood, and for the benefit of the public.

§ 3. The county court of said county may require the sheriff to summon a jury of twelve men, whose duty it shall be to assess the damages that will be sustained by individuals, by reason of the change of such branch, and pay the same out of the county treasury, or by the persons petitioning for the change of such water course, at the discretion of said court.

This act to take effect from its passage.

APPROVED, March 20, 1845.

MEMORIALS.

[A MEMORIAL TO THE CONGRESS OF THE UNITED STATES, CONCERNING THE GREAT SWAMPS.]

*To the Honorable, the Senate and House
of Representatives of the United States :*

Your memorialists, the General Assembly of the State of Missouri, would respectfully call your attention to the subject of the improvement of the great swamps in the south east portion of Missouri, and the north east portion of the State of Arkansas. These swamps, or rather one great swamp, commence in the lower part of Cape Girardeau county, in this State, and extend southwardly in New Madrid, Scott, and Stoddard, and Wayne, and Ripley counties; thence into Arkansas so far south as Memphis, cutting off communication between the Mississippi river and the interior, to an extent of more than two hundred miles. On account of this, a great portion of our citizens, and those of Arkansas, can have no communication with the Mississippi river, unless by a circuitous route of several hundred miles, and are thus deprived of an outlet and market for the surplus produce. The land embraced within the limits of the swamp, in its present condition, is of no value to the government or any one else, but on the contrary, is a great evil, and in many ways detrimental to the interest of the United States. The land bordering on the swamp is very rich, and would command a high price, if it were not for the swamp, which endangers, and is the cause of sickness and disease, not only to those in its immediate border, but to the whole population for many miles around. Your memorialists cannot believe that the Government of the United States will understandingly suffer so great a public evil, indeed, a public nuisance, to continue to exist in our otherwise favored State. To remove the evil and reclaim the many thousand of acres of land embraced within the limits of this swamp, is no doubt the desire of the General Government, as it is [of] your memorialists. To accomplish so desirable an object, your memorialists believe there is but one practicable mode: that is to grant to the counties in which the swamps are situated, the lands embraced within such swamp, to be disposed of, and the proceeds applied to the draining and improving the swamp, and reclaiming

the land embraced therein. Your memorialists particularly pray your honorable body, whenever your wisdom deem it proper to grant that portion lying within the limits of Missouri to the several counties containing the same. Your memorialists believe that the land which is now inundated, and is the cause of so much evil and disease, can be reclaimed, and the proceeds arising from the sale thereof will create a sufficient fund to meet the expense necessarily incident to the accomplishment of so great an undertaking. Your memorialists, therefore, ask your honorable bodies to appropriate the lands embraced within the limits of the great swamp before named, to the furtherance of the object of your memorialists, and to take such other and further action on the subject as to you shall seem necessary and proper.

APPROVED, Jan. 14, 1845.

MEMORIALS.

[A MEMORIAL TO CONGRESS CONCERNING THE OREGON TERRITORY.]

*To the Senate and House of Representatives
of the United States, in Congress assembled.*

The General Assembly of the State of Missouri respectfully call the attention of your honorable bodies to the political and social condition of those citizens of the United States, who now inhabit the Oregon Territory, and to the urgent necessity of extending the laws of the United States over that territory, in order that our citizens emigrating thither may enjoy that personal freedom, and those political rights that are guaranteed to them by the Constitution of our common country.

It is not the intention of your memorialists to enter upon a discussion of the justice of the claim of the United States to the possession of Oregon. They consider the right of our nation to that territory, as established by the clearest and most indisputable evidence, and do not regard that right as at all affected or impaired by the arrogant pretensions and grasping ambition of a foreign power. Our citizens have emigrated to that distant region, not only in the full confidence of the justice of our title thereto, but with the confident expectation that the protection of the laws of their country would be extended to them in their new abode. Their long and toilsome journey was cheered with the reflection that they were still to live under the protection of their country, and her laws. As yet those just expectations have not been fulfilled, and it is in their behalf and in the behalf of the thousands of American citizens who may follow them, that your memorialists now appeal.

Within the last three years upwards of two thousand citizens of the United States, perhaps a majority of whom were citizens of this State, have emigrated to Oregon. With an energy and courage that would have reflected honor upon our pilgrim fathers, they have successfully found their way to their

new home through a vast and inhospitable region, exposed to every danger, suffering every privation, and relying solely upon their own arms for protection and support. Thousands of the emigrants consist of women and children, and when we reflect upon the dangers to which they are exposed, and the privations they must endure before reaching their place of destination, it does not seem too much to ask of their country the protection of her laws and her arms. Great numbers are now preparing to follow in their footsteps, all relying confidently upon the prompt occupation of Oregon by the Government of the United States:

If our claim to the country is a just one, as we believe, it should be asserted without delay; if it is untenable, it should be abandoned at once. It is more than unjust, it is heartless and cruel to hold out expectations that are never to be realized. If the inhabitants of Oregon are living upon the soil of the United States, then should that government throw around them the protection of her laws. Let it not be said that our government claims a soil upon which she refuses to plant her standard. Your memorialists therefore respectfully call upon your honorable bodies to take immediate and efficient steps for the occupation of Oregon, and the extension of civil and criminal law throughout that territory, and for the protection, by a chain of military posts, of the route from Missouri to Oregon.

It is not for the vain purpose of asserting a naked right that we call upon the General Government to take possession of this territory, but because we believe such action, on her part, is demanded by a just sense of national right, and for the protection of the persons and property of her own citizens. The emigrants to Oregon have carried with them a deep reverence for the Constitution and laws of their country; they ardently desire still to be governed by that constitution and those laws. Give them the authority, and they will enforce the laws in their purity. Hardy and industrious, they ask nothing from their country but equal justice and equal laws. Can it be possible that their own government will turn a deaf ear to so just and reasonable a request? It would, indeed, be a singular spectacle to witness a whole people calling upon their government for permission to uphold and enforce her authority, and meet with a stern refusal. Unless our just claims to Oregon are speedily enforced, and the authority of our laws established within her borders, our people will cease to emigrate thither as citizens of the United States. They will be necessarily compelled either to establish a government of their own, or to take refuge under that of some foreign power. How deeply mortifying would it be to every American citizen to see one of the finest portions of our territory dismembered or taken from us for want of proper energy and spirit on the part of our government.

But we will not dwell upon suppositions so humiliating, and we trust of so improbable an occurrence. Our government has always proved equal to every emergency, and the national spirit of our people has always demanded the strict enforcement of our national rights, and the observance of every national duty. Oregon, the youngest daughter of the Republic, now asks that the same justice, and the same maternal care, may be extended towards her, in her infancy, that was so freely and without solicitation extended to our sister States in their infancy.

The Territory of Oregon now contains a population of upwards of three thousand white inhabitants, by far the largest portion of whom have emigrated from the United States. Large numbers of our citizens are now preparing to leave the United States for Oregon, early in the Spring. They will not consist of mere adventurers, actuated only by a roving propensity and desire of novelty and change, but of substantial and industrious farmers and mechanics, the very men to give the country all the value it may possess. They will take with them their families and their property, and earnestly desire to live under the constitution and laws of their country. They desire to see their new home one of law and order, and their hearts will beat with honest and patriotic pride, when they behold the American flag waving over the broad valley of the Columbia. But your memorialists trust that the emigrants to Oregon may not be left to pursue their way through hosts of unfriendly savages, without the protecting arm of our government. A few mounted troops, stationed at proper distances, would afford protection to the emigrants, and enable them to open a communication with the United States, that would be productive of the most important commercial benefits.

Your memorialists, in conclusion, most earnestly call the attention of your honorable bodies to the necessity of prompt and efficient action on this all-important subject.

Resolved, That the Secretary of State of this State be requested to forward, as early as practicable, a printed copy of this memorial to the Executive of each State in this Union, and to each of our Senators and Representatives in Congress, and to each member of the Senate and House of Representatives of the United States from the other States of this Union.

APPROVED, Jan 21, 1845.

MEMORIALS.

MEMORIAL TO CONGRESS RELATIVE TO THE ADMISSION OF THE STATE OF IOWA.

To the Congress of the United States:

The General Assembly of the State of Missouri respectfully represents, that they have seen the constitution of Iowa, as formed by the convention recently assembled in that territory, and will call the attention of Congress to the boundaries proposed for the State of Iowa, as the same are set forth in the first article of that constitution. The said article designates the southern boundary of the State, as follows: "Beginning in the middle of the main channel of the Mississippi river, opposite the mouth of the Des Moines river; thence up the said river Des Moines, in the middle of the main channel thereof, to a point where it is intersected by the old Indian boundary line, or line run by John C. Sullivan in 1816; thence westwardly along said line to the old north west corner of Missouri; thence due west to the middle of the main channel of the Missouri river."

Your memorialists think it is sufficient to call the attention of Congress to the fact that the said article is framed without any reference whatever to the northern boundary line of the State of Missouri, as the same is fixed by the constitution of the said State, and the act of Congress admitting her into the Union.

Your memorialists will not argue the question, but simply call the attention of Congress to the fact that the constitution of Iowa, if ratified by Congress, proposes to do what we do not admit that any power on earth can do, except with the consent of the sovereign people of Missouri, to wit: cut off a portion of our territory and transfer the same to another State. So gross an outrage on our rights does not require that language should be used to point out its enormity. It is deemed sufficient to call the attention of Congress to the fact, and rely on her sense of right and justice.

Resolved, That a copy of the foregoing memorial be forwarded by the Governor to each of our Senators and Representatives in Congress, and that our Senators in Congress be instructed, and our Representatives requested, to oppose the admission of Iowa into the Union, or the ratification of her constitution, unless the article defining her boundary is changed so as to make her southern boundary conform to the northern boundary of the State of Missouri.

APPROVED, Jan'y. 27, 1845.

MEMORIALS.

MEMORIAL TO CONGRESS RELATIVE TO MAILS AND POSTAGE.

To the Congress of the United States:

Your memorialists, the General Assembly of the State of Missouri, would respectfully represent that the laws at present regulating the post office department and fixing the rates of postage are, in their opinion, defective and oppressive in their operation, and should be speedily amended. The people of Missouri are subjected to great inconvenience from the irregularity of the mails, and finding the long continuance and constant repetition of this evil, they are forced to attribute it to a defect in the law. Your memorialists would further represent that the present rates of postage are excessive and bear most heavily upon all classes of the people of this State. Our population is composed almost entirely of emigrants from other States;—a large portion of them from the Atlantic States—they are thus almost debarred the privilege of a correspondence through the post office by the heavy postage on letters. They desire, also, to take newspapers published in the States from which they emigrated, and where their friends reside; but upon these again the postage is so heavy as to be oppressive. Your memorialists would further repre-

sent that great inconvenience is sustained, particularly by the people of Missouri, by reason of the different rates of postage not being made to correspond with the coinage of the United States, thus rendering it difficult to procure the proper amount. Your memorialists would further represent that gross abuses are committed in the exercise of the franking privilege, and are daily increasing. Your memorialists would therefore pray that the post office laws be so amended as to reduce the rates of postage as much as can be done without injury to the public service: that the same may be made to correspond with the coinage of the government, and that the franking privilege be so guarded as to prevent future abuse, or that the same be restricted or abolished.

Resolved, That the Secretary of State be required to forward a copy of the foregoing memorial to each of our Senators and Representatives in Congress.

APPROVED, Jan. 31, 1845.

[MEMORIAL TO CONGRESS REQUESTING THE SALE OF FRACTIONS OF LAND
ADJOINING FRENCH AND SPANISH CONCESSIONS.]

To the Congress of the United States:

Your memorialists, the General Assembly of the State of Missouri, beg leave to represent to your honorable body, that there is a large quantity of land composed of small fractions, surrounding the French and Spanish grants in this State, which has been reserved from sale. The counties in which these lands lie, are principally the oldest and most densely populated in the State. The reason is obvious why these lands were for a time reserved from sale, but it now exists no longer, as those concessions were confirmed by the act of Congress of 4th July, 1836, and surveyed since; it is obvious that keeping these lands from market prevents the settlement and improvement of the counties in which they lie. In many of the old counties in the State, such as St. Louis, St. Charles, Ste. Genevieve, Cape Girardeau, New Madrid, and others, these fractions of land compose a large proportion of the whole number of acres within them; it is therefore of the greatest importance to those counties and to the whole State, that these fractions should be brought into market without further delay; there can be no reason why it should not be done. Your memorialists respectfully request that this subject be attended to by your honorable body at the earliest day possible.

APPROVED, Feb. 22, 1845.

MEMORIALS.

[MEMORIAL TO CONGRESS ASKING THE IMPROVEMENT OF THE NEOSHO OR GRAND RIVER OF THE ARKANSAS, AND REMOVAL OF RESTRICTIONS ON PRODUCTS CONVEYED THROUGH THE INDIAN COUNTRY.

*To the Senate and House of Representatives,
of the United States, in Congress assembled:*

The General Assembly of the State of Missouri respectfully represent to your honorable bodies, that the rapid developement of the resources of the south-western portion of our State, the steady increase of agriculture and manufactures, with a corresponding rapid increase of population, render apparent the necessity of a channel to convey the different products of that region to market. An immense surplus of corn, flour, tobacco, hemp, bacon, whiskey, &c. is annually produced by our citizens, and frequently perish on their hands for the want of navigable facilities. The only important navigable stream in the vicinity of the south-western corner of our State, is the Neosho or Grand river of the Arkansas. This river flows within the limits of the Indian territory nearly parallel with the western boundary line of this State, (and at the mouth of Lost creek, but five miles from it) and discharges its waters into the Arkansas but a few miles below Fort Gibson, in the Cherokee nation of Indians. It is a noble river, with vast capacities of navigation, but owing to the fact that it is beyond our jurisdiction, and also to the existence of laws prohibitory in their character, it is useless in a great degree to our citizens. With but little expense to the United States government, it can be rendered navigable for steam boats six months in twelve, and for flat and keel boats during the year, as far up as the Pomme de Terre or Spring river, with the Neosho. Your memorialists will further state that the Pomme de Terre or Spring river, can be made navigable as high up as the point where Centre creek forms its junction with the same. Your memorialists will further state, there are many small streams having their sources in this State, which discharge their waters into the Neosho, and are capable of flat and keel boat navigation; amongst these are Elk river or Cowskin, Centre and Shoal creeks. The country situated upon the tributaries of the Neosho has no outlet to market, except what is afforded by that river; it is fertile and productive, covers a superficial area of near 9000 square miles, with a population of about 20,000 inhabitants.

Your memorialists therefore, urge upon your honorable bodies, to appropriate a sum of money sufficient to improve the navigation of Neosho or Grand river of the Arkansas, and also the Pomme de Terre or Spring river, as high up as the mouth of Centre creek. There is another circumstance to which your memorialists wish to draw the attention of Congress. By the 20th sect. of the act of Congress regulating intercourse with Indian tribes, a citizen of the United States cannot safely transport his property (more especially whiskey) through the limits of the Indian territory, even if the person so conveying the same; by this precarious outlet, has no intention

of selling, exchanging, giving, bartering, or disposing of any spirituous liquors, but bona fide to carry and convey them to the principal markets of the Union. This evil weighs like an incubus on the prosperity of the counties of southwestern Missouri; it retards their growth, and destroys the spirit of enterprise among their citizens—it amounts to a direct non-intercourse law, by which our trade with our sister States is cut off. Does not justice and the spirit of our free institutions require that this evil should be removed? Your memorialists doubt not the fact that there are vast quantities of ardent spirits conveyed and smuggled into the Indian nations, with no good intention but in direct violation of the laws made for the protection of the Indians, and the honor and integrity of the nation require that the General Government should in all such cases see that the laws are strictly and rigidly enforced—but it is unnecessary to guard against this evil, that a large portion of our citizens should be deprived of the means of navigation, that their channels through the Neosho, the Arkansas and the Mississippi, to the great southern market should be destroyed and entirely lost. We therefore urge upon your honorable bodies the necessity as well as the justice of altering or amending the law on this subject, so that our citizens can have a free, undisturbed and unlimited use of the navigable rivers, flowing through the Indian territories, for the purposes of navigation and commerce, without restrictions upon any of their products.

Resolved, That the Secretary of State be required to furnish each of the Senators and Representatives in the Congress of the United States from this State, with a copy of the above memorial. APPROVED, Feb. 25, 1845.

MEMORIALS.

[A MEMORIAL TO THE CONGRESS OF THE UNITED STATES.]

*To the honorable the Senate, and House of
Representatives, of the United States.*

Your memorialists, the General Assembly of the State of Missouri, respectfully represent to your honorable body, that there is a great portion of the public lands in this State, that have been in market for many years, but have not found a purchaser, for the reason of the inequality in the soil. Therefore, your memorialists pray your honorable body to divide all lands that have been in market five years, into three classes; first, second and third qualities, and graduate the price according to the quality of said lands, as in your wisdom you may deem proper, where the lands have been in market five years. All the choice lands have been purchased up at one dollar and twenty-five cents per acre, the inferior quality being yet unsold in a great measure. Your memorialists are of opinion that if the said lands were classed, and the price graduated according to the quality, and a pre-emption of two years granted to actual settlers, that the above described lands would find immediate market.

Your memorialists do ever pray, &c.

APPROVED, Feb. 28, 1845.

RESOLUTIONS.

RESOLUTIONS.

[A RESOLUTION CONCERNING THE CENSUS.]

Resolved by the Senate and House of Representatives, That the Secretary of State be authorized to withhold the return of his Abstract of the Census, until he shall have received complete returns from all the counties in the State, unless the same shall be called for by one of the Houses of the General Assembly.

APPROVED, Dec. 2, 1844.

RESOLUTIONS.

[A RESOLUTION IN FAVOR OF FRANKLIN CANNON, ADMINISTRATOR OF THE ESTATE OF DANIEL DUNKLIN, DECEASED.]

Resolved by the Senate and House of Representatives of the State of Missouri, That the Auditor of Public Accounts be authorized and required to draw his warrant on the State Treasury in favor of Franklin Cannon, administrator of the estate of Daniel Dunklin, deceased, for the sum of six hundred and forty-three dollars and eighty-seven cents, for services rendered, and cash advanced, as commissioner to survey the southern boundary line of the State of Missouri.

APPROVED, Dec. 5, 1844.

RESOLUTIONS.

[A RESOLUTION CONCERNING THE RE-ANNEXATION OF TEXAS.]

Resolved by the General Assembly of the State of Missouri, 1. That in the opinion of this General Assembly, the re-annexation of Texas to the United States, is a great national measure, demanded by a large majority of the people of this State, and that the safety and interests of both governments require and demand it at the earliest practicable period.

2. That the Republic of Texas is a free and independent State, and that she acquired her independence and her territory in a manner which left no stain upon the honor of her people.

3. That Texas has given to the world ample and sufficient evidence of her disposition and ability to maintain her independence, and the exalted station she has assumed among the nations of the earth.

4. That the government of Texas has the indisputable right to transfer, and the Government of the United States the right to accept, the territory of Texas, without the consent of, and without giving any just cause of offence to, any other power; provided, however, that the boundary line between the annexed territory and Mexico is left open to future negotiation between the United States and Mexico.

5. That in the opinion of this General Assembly, a great majority of the people of this State prefer that Texas should be annexed to the United States, without dividing her territory into slaveholding and non-slaveholding States, but leaving that question to be settled by the people, who now, or may hereafter, occupy the territory that may be annexed.

6. That the people of Missouri regard the annexation of Texas to the United States, so essential to the interests of this State and of the whole United States, that rather than fail in the consummation of this object, if it cannot be effected in accordance with the principles set forth in the above resolutions, they would consent to such reasonable and just compromises, approximating as near as possible to those principles, as may be indispensably necessary to secure the accomplishment of the measure, and preserve the peace and harmony of the Union.

7. That our Senators in Congress be instructed, and our members in the House of Representatives be requested, to use their best exertions in behalf of the annexation of Texas to the United States, in conformity with the wishes of the people of Missouri, as expressed in the above resolutions.

8. That the Secretary of State is hereby required to forward to each of our Senators and Representatives in Congress, a copy of these resolutions.

APPROVED, Jan. 3, 1845.

RESOLUTIONS.

JOINT RESOLUTION IN FAVOR OF SAMUEL W. FINLEY, COLLECTOR OF PIKE COUNTY.

Resolved by the Senate and House of Representatives, That the Auditor of Public Accounts be, and he is hereby authorized and required to allow to Samuel W. Finley, collector of the revenue for Pike county, his fees and per centum on the amount of the State revenue, which may be paid into the treasury, on or before the fifth day of January, in the year of our Lord, eighteen hundred and forty-five, by said Finley.

APPROVED, January 14, 1845.

RESOLUTIONS.

JOINT RESOLUTION IN FAVOR OF JERUSHA LISLE.

WHEREAS, by reference to the books in the Auditor's office, it appears that Samuel Lisle was engaged in the Mormon difficulties, and belonged to the company commanded by Captain E. Smith, of the third division; and it further appears that said Lisle is entitled to the sum of fifteen dollars, which remains unpaid; and whereas the said Samuel Lisle is dead, and no letters of administration were ever granted on the estate of said Lisle; Therefore,

Be it resolved by the General Assembly of the State of Missouri, as follows:

That the Auditor of Public Accounts be authorized and required to draw his warrant on the Treasurer, in favor of Jerusha Lisle, the widow of said Samuel Lisle, for the sum of fifteen dollars; and the Treasurer shall pay the same out of the money appropriated to defray the expenses of the Osage and Mormon difficulties.

APPROVED, Jan. 27, 1845.

RESOLUTIONS.

JOINT RESOLUTION IN RELATION TO THE PUBLIC PRINTING.

Resolved by the General Assembly of the State of Missouri, That the joint committee on public printing is hereby authorized to contract with the best bidder, (all things considered,) for the printing, pressing, binding, &c. of ten thousand copies of the Revised Code of the present session of the General Assembly; one thousand copies of the Journals of each House of the present session of the Legislature; two thousand copies of the Private Acts and Resolutions of the present session. The publication of the Revised Code shall be made in one volume.

APPROVED, Jan. 27, 1845.

RESOLUTIONS.

[RESOLUTIONS CONCERNING UNSOLD BONDS IN THE POSSESSION OF THE BANK.]

1. *Resolved by the Senate, the House of Representatives concurring therein, That the President and Directors of the Bank of the State of Missouri, on the part of the State, be, and they are hereby instructed to deliver all the unsold State bonds, in the possession or under the con-*

RESOLUTIONS.

trol of the Bank, to such agent or person authorized to receive and convey the same to the city of Jefferson, and deliver the same to the Legislature now in session, to be disposed of as deemed proper.

2. *Resolved*, That William Fort be, and he is hereby authorized to call on the President of the Bank of the State of Missouri, and demand and receive the bonds of the State of Missouri, now in the possession of the Bank, and convey the same and deliver them to the Legislature, now in session in the city of Jefferson.

3. *Resolved*, That the Secretary of State be, and he is hereby required to transmit a certified copy of the foregoing resolutions to the President of the Bank at St. Louis, to be by him laid before the Board of Directors of said Bank.

APPROVED, Jan. 30, 1845

RESOLUTIONS.

JOINT RESOLUTION IN FAVOR OF R. KERR.

Resolved, by the General Assembly of the State of Missouri: 1. That the Treasurer of the State be required to pay a certain Auditor's warrant for four dollars and fifty-three cents; which warrant is numbered "74," bears date the 4th day of March, 1828, is signed by E. Barcroft, as Auditor, and registered by N. Simonds, as Treasurer, the 1st day of April, 1828, and is made payable to R. Kerr or bearer, together with six per cent. interest thereon, from the date of the registry thereof.

APPROVED, Jan. 31, 1845.

RESOLUTIONS.

JOINT RESOLUTION FOR THE BENEFIT OF THE NEW YORK HISTORICAL SOCIETY.

Resolved, by the General Assembly of the State of Missouri, That the Secretary of State be requested to forward to the address of Albert Gallatin, President of the New York Historical Society, a copy of all the documents which may be published by order of the Legislature, and also of any documents heretofore published, of which there may remain any disposable copies.

APPROVED, Feb. 25, 1845.

RESOLUTIONS.

RESOLUTIONS RESTRICTING THE SALARIES OF BANK OFFICERS.

Resolved, by the General Assembly of the State of Missouri, as follows: 1. That the president and directors of the parent Bank at St. Louis, on the part of the State, be and they are hereby instructed to regulate the salaries of the officers of said bank as follows, to wit: The cashier to receive a sum not exceeding twelve hundred dollars per annum, and no other officer of said bank to receive a sum exceeding eight hundred dollars per annum.

2. That the president and directors of the several branches of said bank be, and they are hereby instructed to regulate the salaries of the officers of their respective branches as follows, to wit: The cashier to receive a sum not exceeding eight hundred dollars per annum, and no other to receive a sum exceeding five hundred dollars per annum.

3. That the Secretary of State be, and he is hereby required to forward a copy of the foregoing resolutions to the president of the parent bank, and each of the branches, to be laid before their respective boards at the first meeting after the reception of the same.

APPROVED, Feb. 26, 1845.

RESOLUTIONS.

JOINT RESOLUTION IN FAVOR OF MICHAEL NYE.

Resolved by the General Assembly of the State of Missouri, as follows: That the Secretary of State is hereby directed and authorized to permit Michael Nye, by himself or attorney, to withdraw from the files of his office the original papers, which were filed, or presented to the Senate at their last session, in an application for a divorce in his behalf, against his wife, Elizabeth Nye.

APPROVED, March 10, 1845.

RESOLUTIONS.

JOINT RESOLUTION IN HONOR OF COL. BENNETT RILEY.

Resolved by the General Assembly of the State of Missouri, That the Governor be, and is hereby requested to cause to be prepared and to be presented to Col. Bennett Riley, U. S. army, a sword with suitable inscriptions, in commemoration of his many gallant acts as an officer, and of the long and arduous services of the said Colonel Riley, as an officer stationed upon the frontier of this State, and for the protection and aid he has at all times rendered to the citizens of this State against Indian fero-

city; and that the amount necessary to carry into effect the foregoing resolution, is hereby appropriated out of any money in the treasury not otherwise appropriated.

APPROVED, March 20, 1845.

RESOLUTIONS.

[JOINT RESOLUTION CONCERNING DISCHARGED CONVICTS.]

Resolved, By the General Assembly of the State of Missouri, as follows: That the Inspectors of the Penitentiary are hereby required to credit the lessees of the penitentiary, for such sums as the said lessees have paid to convicts, discharged by pardon or otherwise, during the term of the present lease, not exceeding the sum of four dollars for each convict so discharged. And that said lessees be allowed on their next settlement, a credit for such sums as they may pay to convicts hereafter discharged by pardon or otherwise, not exceeding the sum of four dollars for each convict so discharged.

APPROVED, March 24, 1845.

RESOLUTIONS.

JOINT RESOLUTION ON THE SUBJECT OF THE NATURALIZATION LAWS.

Resolved by the General Assembly of the State of Missouri, as follows: 1. That the naturalization laws of the United States, as they now exist, are wise and philanthropic, and ought not to be changed.

2. That the bosom of America is, and ought to be, open to receive, not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions, whom we will and ought to welcome to a participation of all our rights and privileges.

3. That the countrymen of De Kalb and Steuben, of Kosciusko and Pulaski, of Emmett and Lafayette, and the oppressed of all nations, should not be denied a resting place in the "land of the free and the home of the brave."

4. That the effort now being made to so change the naturalization laws as to obstruct the naturalization of foreigners, is an indirect assault upon the immortal Declaration of Independence which declares that George the 3d, had endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners, and refusing to pass others to encourage their migration hither.

5. That the charge made against foreign immigrants, that they are "paupers and felons," is a libel upon that class of our population.

6. That the principles of the Native American party are the principles which dictated the infamous alien and sedition laws, are false, nar-

row and selfish—opposed to the enlargement of the area of freedom, and the propagation of the principles of human liberty.

7. That the Secretary of State forward to each of our Senators and Representatives in the Congress of the United States, a copy of these resolutions.

APPROVED, March 24, 1845.

RESOLUTIONS.

[JOINT RESOLUTIONS IN RELATION TO THE IMPRISONMENT FOR TREASON OF GOVERNOR T. W. DORR, OF RHODE ISLAND.]

Resolved by the General Assembly of the State of Missouri, as follows:

1. *Resolved*, That the people have the inalienable right to adopt such form of government as to them shall seem best calculated to effect the great objects of all government, the protection and security of the rights of person and property.

2. *Resolved*, That whenever a government becomes oppressive in its operations, giving to a small minority the right to rule and govern the majority, and the constituted authorities of such government refuse to afford to the people the means of altering such government, in accordance with the mode prescribed by law, it is the right of the people by revolution, peaceable or forcible, to alter, abolish, or modify the same.

3. *Resolved*, When a majority has exercised this right, and adopted a new form of government, it is binding upon the minority, and they should submit to the same.

4. *Resolved*, That the constitution adopted by a large majority, not only of the whole people, but of the legal voters of Rhode Island, in the month of December, 1841, was binding upon the people, and was the supreme law of that State.

5. *Resolved*, That Thomas W. Dorr, having been duly elected Governor of Rhode Island, in accordance with the provisions of that constitution, was fully authorized to exercise all the powers pertaining to that office, and in his efforts to sustain that constitution, could not commit treason against the [State.]

6. *Resolved*, That the trial of Gov. Dorr, exhibits the most flagrant injustice, the grossest violation of the rights of man, and palpable corruption in his judges.

7. *Resolved*, That the punishment inflicted upon Thomas W. Dorr, and the manner in which it has been executed, are unwarrantable by the usages of modern times, a stain upon the character of a free country, and should meet the disapprobation of every free and enlightened people.

8. *Resolved*, That it is a duty which the present Governor of Rhode Island owes to himself, to the government under which he lives, and to the cause of liberty, to exercise the power vested in him, and immediately to release Gov. Dorr from longer imprisonment.

RESOLUTIONS.

9. *Resolved*, That the Governor of this State be requested to transmit a copy of the foregoing resolutions to the President of the United States, to the Governors of the several States of the Union, and to each of our Senators and Representatives in Congress.

APPROVED, March 24, 1845.

RESOLUTIONS.

[RESOLUTION CONCERNING THE ACCOUNTS OF CERTAIN COMMISSIONERS OF THE PERMANENT SEAT OF GOVERNMENT.]

Resolved by the General Assembly of the State of Missouri, That the Attorney General be, and he is hereby, required to make a full, thorough and fair investigation of all the accounts, bonds, vouchers and receipts of A. J. Basye and H. Rea, former commissioners of the Permanent Seat of Government, and Richard B. Jackson, the present commissioner, and ascertain, as fully as practicable, their legal liability in the premises, and collect and recover from them, or either of them, as the liability may be found to exist, by suit, if necessary, any balance of money or property that may be due to the State in any manner; and that he make a full statement of the whole matter to the next General Assembly; and that if he receive any money on account of such liability, he shall pay the same into the State treasury.

APPROVED, March 24, 1845.

RESOLUTIONS.

[JOINT RESOLUTION FOR REPRINTING THE MARRIAGE ACT.]

Resolved by the General Assembly of the State of Missouri, That the act entitled "an act regulating marriages," approved, February 20th, 1835, shall be printed and published in the revised code of the present session.

APPROVED, March 27, 1845.

RESOLUTIONS.

JOINT RESOLUTION IN FAVOR OF THE LIBRARIAN.

Resolved, by the General Assembly of the State of Missouri, That Hampton L. Boon be allowed the sum of two dollars per day for each day of the present session, for his services as Librarian, the same to be in full of

his compensation as Librarian for the last two years, and that the Auditor of Public Accounts be authorized and required to draw his warrant for the above amount in favor of said Boon, on the Treasurer, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, March 27, 1845.

RESOLUTIONS.

JOINT RESOLUTION FOR PRINTING CERTAIN LAWS.

Be it resolved by the General Assembly of the State of Missouri, as follows:
That the Secretary of State be, and [he] is hereby required, as soon as practicable, to cause to be printed in some newspaper in this State, the following laws, to wit: an act to apportion representation; an act to lay off the State into judicial circuits, and to prescribe the times and places of holding courts therein; the changes made in justices' courts, and the time they take effect; an act amendatory of an act concerning pre-emp-tions; all the acts establishing new counties; and that he send the number or numbers containing the same, to the clerks of the several circuit and county courts in this State, and each member of the present General Assembly.

APPROVED, March 28, 1845.

STATE OF MISSOURI,

**OFFICE OF SECRETARY OF STATE, }
August 6, 1845. }**

I, FALKLAND H. MARTIN, Secretary of State for the State of Missouri, do hereby certify that I have collated the Laws, Memorials and Resolutions, contained in the foregoing pages, with the original rolls in the office of Secretary of State aforesaid, and have corrected the same thereby.

**FALKLAND H. MARTIN,
*Secretary of State.***

INDEX,

TO THE LOCAL LAWS, PRIVATE ACTS, RESOLUTIONS, AND MEMORIALS,
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